

10/10/10



ILLINOIS REGISTER

OFFICE OF THE COMPTROLLER

Volume 42, No. 1
January 1, 2010
Published by the State of Illinois
Chicago, Illinois 60601

ISSN 1040-2009

CONTENTS

Executive Order
Executive Order 12822, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-001, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-002, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-003, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-004, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-005, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-006, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-007, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-008, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-009, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-010, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-011, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-012, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

Public Act
Public Act 95-013, signed by Governor Pat Quinn, January 1, 2010, regarding the creation of the Illinois State Police Academy.

VOLUME 42
ISSUE 1

A WEEKLY
PUBLICATION

JANUARY 1,
2010

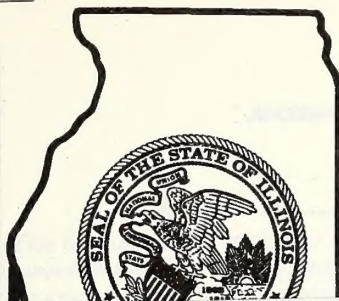
PRINTED BY THE
STATE OF ILLINOIS

OFFICE OF THE
COMPTROLLER
100 SOUTH DEARBORN
CHICAGO, ILLINOIS 60601

ISSN 1040-2009

eserve

acks
FI
235
21
3:11
ar 17,
989



ILLINOIS REGISTER

Rules of Governmental Agencies

<FI1235 .A21
Illinois register
Received on: 03-27-89
IIT - Chicago Kent College
of Law Library

TABLE OF CONTENTS

	USED RULES	PAGE
	CONSERVATION, DEPARTMENT OF	
	Aquaculture, Transportation, Stocking, Importation &/or Possession of Aquatic Life; 17 Ill. Adm. Code 870	3213
	Duck, Goose & Coot Hunting; 17 Ill. Adm. Code 590	3221
	Field Trials on Non-Department Owned or Managed Lands; 17 Ill. Adm. Code 930	3262
	Fish Stocking, Importation, &/or Possession of Aquatic Life; 17 Ill. Adm. Code 870, Repeal of	3264
	General Hunting & Trapping on Department-Owned or -Managed Sites; 17 Ill. Adm. Code 510	3268
	Raccoon, Oppossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting; 17 Ill. Adm. Code 550	3273
	PUBLIC AID, DEPARTMENT OF	
	Medical Assistance Programs; 89 Ill. Adm. Code 120	3281
	Medical Payment; 89 Ill. Adm. Code 140	3295
	REHABILITATION SERVICES, DEPARTMENT OF	
	Total Life Planning Program; 89 Ill. Adm. Code 895	3310
	SECRETARY OF STATE	
	General Rules, Definitions; 92 Ill. Adm. Code 1000	3316
	Issuance of Licenses; 92 Ill. Adm. Code 1030	3324
	ADOPTED RULES	
	CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
	Solicitation for Charitable Payroll Deductions; 80 Ill. Adm. Code 2650	3330
	CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
	Department of Children & Family Services Employee Conflict of Interest; 89 Ill. Adm. Code 437	3339
	Purchase of Service; 89 Ill. Adm. Code 357	3344
	PUBLIC AID, DEPARTMENT OF	
	Medical Payment; 89 Ill. Adm. Code 140	3351
	TRANSPORTATION, DEPARTMENT OF	
	Pal-Waukee Municipal Airport Hazard-Zoning; 92 Ill. Adm. Code 96	3384
	EMERGENCY RULES	
	PUBLIC AID, DEPARTMENT OF	
	Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113	3402
	AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES	
	CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
	Solicitation for Charitable Payroll Deductions; 80 Ill. Adm. Code 2650, Refusal	3411
	JOINT COMMITTEE ON ADMINISTRATIVE RULES - STATEMENT OF OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS, PROHIBITED FILINGS & APPROVALS	
	CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
	Delivery of Youth Services Funded by the Department of Children & Family Services; 89 Ill. Adm. Code 310, Objection	3412
	Delivery of Youth Services Funded by the Department of Children & Family Services; 89 Ill. Adm. Code 310, Recommendation	3414

(continued on next page)

VOLUME 13
ISSUE 11

A WEEKLY
PUBLICATION

MARCH 17
1989

Pages 3213-3510

Secretary of State
Administrative Code Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

**JOINT COMMITTEE ON ADMINISTRATIVE RULES - STATEMENT OF OBJECTIONS, SUSPENSIONS,
RECOMMENDATIONS, PROHIBITED FILINGS & APPROVALS (CONT'D)**

EDUCATION, STATE BOARD OF	
Pupil Transportation Reimbursement; 23 Ill. Adm. Code 120, Objection	3416
LOTTERY, DEPARTMENT OF	
Lottery (General); 11 Ill. Adm. Code 1770, Objection	3419
MILITARY AFFAIRS, DEPARTMENT OF	
Loan of Military Artifacts; 23 Ill. Adm. Code 3300, Objection	3440
Rental of National Guard Armories; 71 Ill. Adm. Code 1510, Objection	3442
PROFESSIONAL REGULATION, DEPARTMENT OF	
Dental Practice Act; 68 Ill. Adm. Code 1220, Objection	3444
Dental Practice Act; 68 Ill. Adm. Code 1220, Recommendation	3447
Podiatry Act, The; 68 Ill. Adm. Code 1360, Objection	3450
Podiatry Act, The; 68 Ill. Adm. Code 1360, Recommendation	3452
SECRETARY OF STATE	
Collection of Fees; 92 Ill. Adm. Code 1003, Objection	3454
Collection of Fees; 92 Ill. Adm. Code 1003, Recommendation	3458

**JOINT COMMITTEE ON ADMINISTRATIVE RULES - REVIEW OF EXISTING RULES - STATEMENT OF
OBJECTIONS & RECOMMENDATIONS**

CONSERVATION, DEPARTMENT OF	
Duck, Goose & Coot Hunting; 17 Ill. Adm. Code 590, Objection (Emergency)	3462
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping; 17 Ill. Adm. Code 570, Objection	3468
INSURANCE, DEPARTMENT OF	
Minimum Standards for Individual & Group Medicare Supplement Insurance; 50 Ill. Adm. Code 2008, Objection (Emergency)	3471
PROFESSIONAL REGULATION, DEPARTMENT OF	
Medical Practice Act of 1987; 68 Ill. Adm. Code 1285, Objection (Emergency)	3475
REHABILITATION SERVICES, DEPARTMENT OF	
Other Services; 89 Ill. Adm. Code 607, Objection (Emergency)	3478

PUBLIC INFORMATION

REVENUE, DEPARTMENT OF	
Index of Letter Rulings (Fourth Quarter of 1988) (Income Tax)	3481

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	3501
-------------------------------	------

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS	
89-068 - Viet Nam Veterans Day	3503
89-069 - International Demolay Week	3504
89-070 - Agriculture Week	3505
89-071 - Herman Bryant Day	3506
89-072 - Four Seasons Hotel Chicago Opening Day	3507
89-073 - City of Belleville Year	3508
89-074 - Shamrocks Against Dystrophy Days In Ill.	3509
89-075 - Technical Education Week	3510

CUMULATIVE INDEX

1989 Index - Issue #1 thru Issue #11	CI-1
--	------

SECTIONS AFFECTED INDEX

1989 Index - Issue #1 thru #10	SAI-1
1989 Index - Issue #11	SAI-18

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

INTRODUCTION

The purpose of this report is to provide a comprehensive overview of the current state of the industry and to identify key trends and challenges. The report is organized into several sections, each focusing on a specific aspect of the industry. The first section provides a general overview of the industry, while the subsequent sections delve into more detailed analysis of various market segments. The final section offers conclusions and recommendations based on the findings of the report.

The report is intended for a wide range of stakeholders, including industry professionals, investors, and policymakers. It is hoped that the information provided will be valuable in informing decision-making and shaping the future of the industry.

EXECUTIVE SUMMARY

Category	Value	Unit
Revenue	12.5	Billion
Profit	3.2	Billion
Assets	45.8	Billion
Liabilities	18.9	Billion
Equity	26.9	Billion
Revenue	11.8	Billion
Profit	2.9	Billion
Assets	43.2	Billion
Liabilities	17.5	Billion
Equity	25.7	Billion
Revenue	10.5	Billion
Profit	2.5	Billion
Assets	40.1	Billion
Liabilities	16.2	Billion
Equity	23.9	Billion
Revenue	9.8	Billion
Profit	2.1	Billion
Assets	38.5	Billion
Liabilities	15.1	Billion
Equity	23.4	Billion
Revenue	9.2	Billion
Profit	1.9	Billion
Assets	36.8	Billion
Liabilities	14.3	Billion
Equity	22.5	Billion
Revenue	8.7	Billion
Profit	1.7	Billion
Assets	35.2	Billion
Liabilities	13.6	Billion
Equity	21.6	Billion
Revenue	8.1	Billion
Profit	1.5	Billion
Assets	33.9	Billion
Liabilities	12.8	Billion
Equity	21.1	Billion
Revenue	7.6	Billion
Profit	1.3	Billion
Assets	32.5	Billion
Liabilities	12.1	Billion
Equity	20.4	Billion
Revenue	7.1	Billion
Profit	1.1	Billion
Assets	31.2	Billion
Liabilities	11.4	Billion
Equity	19.8	Billion
Revenue	6.6	Billion
Profit	0.9	Billion
Assets	29.8	Billion
Liabilities	10.7	Billion
Equity	19.1	Billion
Revenue	6.1	Billion
Profit	0.7	Billion
Assets	28.5	Billion
Liabilities	10.0	Billion
Equity	18.5	Billion
Revenue	5.6	Billion
Profit	0.5	Billion
Assets	27.2	Billion
Liabilities	9.3	Billion
Equity	17.9	Billion
Revenue	5.1	Billion
Profit	0.3	Billion
Assets	25.9	Billion
Liabilities	8.6	Billion
Equity	17.3	Billion
Revenue	4.6	Billion
Profit	0.1	Billion
Assets	24.6	Billion
Liabilities	7.9	Billion
Equity	16.7	Billion

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

- 1) HEADING OF THE PART: Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life

- 2) CODE CITATION: 17 Ill. Adm. Code 870

- 3) SECTION NUMBERS:

870.10
870.20
870.30
870.40
870.50
870.60
870.70

PROPOSED ACTION:

New Section
New Section
New Section
New Section
New Section
New Section

- 4) STATUTORY AUTHORITY: Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16)

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These rules have been promulgated for the purpose of proper management and utilization of the aquatic life resources of the waters of the State. Except in the case of injurious species as determined by the Department of Conservation, these rules do not apply to the aquarium industry, or State agencies or universities, so long as they are operating in a manner which will prevent escape into the waters standing on or flowing over the soil of the State of Illinois.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No. However, the Department has proposed a repealer to Part 870, which is published in this issue of the Illinois Register.

Following Departmental review of Part 870, it was determined that this Part should be modified extensively. Department personnel decided that the best possible way to do this was by repealing the existing Part 870 and proposing a new Part 870 which would contain the new language.

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 370
AQUACULTURE, TRANSPORTATION, STOCKING, IMPORTATION
AND/OR POSSESSION OF AQUATIC LIFE

Section

- 870.10 Definitions
- 870.20 Aquaculture Permit Application Requirements
- 870.30 Aquaculture Facility Requirements
- 870.40 Aquaculture Operational Rules
- 870.50 Unlawful Acts
- 870.60 Restricted Species Transportation Permit Procedures
- 870.70 Penalties

AUTHORITY: Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16)

SOURCE: d July 12, 1974; effective July 24, 1974; codified at 5 Ill. Reg. 10649, amended at 7 Ill. Reg. 19947, effective November 1, 1983; amended at 10 Ill. Reg. 963, effective January 7, 1986; Part repealed at 13 Ill. Reg. _____, effective _____; New Part adopted at 13 Ill. Reg. _____, effective _____.

Section 870.10 Definitions

- a) For the purposes of Section 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, par. 5.16), the Aquatic Life Approved Species List is established. The following aquatic life categories will be considered approved for aquaculture, transportation, stocking, importation and/or possession in the State of Illinois.

- 1) Amphibians
- 2) Reptiles
- 3) Crustaceans
- 4) Mollusks
- 5) Gastropods
- 6) Fish

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

7) Plants

- b) Any species not on the Aquatic Life Approved Species List as described in subsection 870.10(a) may not be imported or possessed alive without a letter of authorization to import/possess such species, except saltwater species commonly used as seafood which will not survive in freshwater, such as lobsters, clams, mussels, and oysters.
- c) Any species listed as endangered or threatened pursuant to the Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 337) will be governed by Section 333 of the Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 333). As aquatic species are listed endangered or threatened, permit holders will be notified.
- d) Copies of the Aquatic Life Approved Species List may be obtained free of charge by writing to:
- Aquaculture Coordinator
Jake Wolf Memorial Fish Hatchery
Box 560
Manito, IL 61546
- e) An Aquaculture Advisory Committee shall be formed to review requests to import/possess aquatic species not included on the Aquatic Life Approved Species List, and to recommend it, and/or under what conditions, species may be imported/possessed to the Chief of the Division of Fisheries. The committee shall be composed of representatives of:

- 1) The President of the Illinois Aquaculture Industry Association;
 - 2) The Chiefs of the Department of Conservation - Wildlife, Fisheries, Natural Heritage, and Law Enforcement Divisions;
 - 3) The Chief of the Illinois Natural History Survey;
 - 4) The Aquaculture Coordinator, Department of Agriculture; and
 - 5) The Director of the Southern Illinois University Fisheries Research Laboratory.
- f) The Chief of the Division of Fisheries shall consider the recommendations of the Aquaculture Advisory Committee prior to rendering final decisions regarding requests to import/possess species not included on the Aquatic Life Approved Species List.

Section 870.20 Aquaculture Permit Application Requirements

- a) Persons wishing to obtain an aquaculture permit must obtain an aquaculture permit application from: Department of Conservation, Aquaculture Permit,

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

524 S. Second Street, Room 210, P.O. Box 19225, Springfield, IL 62794-9225, and submit the completed application, along with the \$50.00 fee, to the same address. Upon expiration of their first annual permit, persons wishing to obtain a renewal of their permit should submit renewal forms provided by the Department to Illinois Department of Conservation, Commercial Permit Section, 524 South Second Street, Room 210, P.O. Box 19225, Springfield, IL 62794-9225.

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a check or money order for each application.
- c) Applicants wishing to import/possess aquatic life which appears on the Aquatic Life Approved Species List must submit their aquaculture permit application at least four (4) weeks prior to such importation/possession.
- d) Applicants wishing to import/possess aquatic life not on the Aquatic Life Approved Species List must submit their aquaculture permit application at least eight (8) weeks prior to the desired date of such importation/possession.
- e) Importation/possession of aquatic life may not commence until operator is in possession of an issued aquaculture permit.

Section 870.30 Aquaculture Facility Requirements

- a) Permit applicants wishing to import/possess aquatic life which appears on the Aquatic Life Approved Species List may apply for a permit prior to completion of their aquaculture facilities.
- b) Permit applicants wishing to import/possess aquatic life not on the Aquatic Life Approved Species List must have an aquaculture facilities plan completed and approved by the Department prior to issuance of the aquaculture permit. Such an issued permit is conditional, pending final inspection.
 - 1) Facilities must be self-contained and not capable of overflowing into other waters of the State and cannot be located on or in a 100 year flood plain, as defined by the Division of Water Resources of the Illinois Department of Transportation, unless such location receives approval by the Department of Conservation.
 - 2) Self-contained facilities needing draining or discharges of water shall dispose of water:
 - A) into a municipal water treatment facility; or
 - B) into an on-site waste treatment facility incorporating sand filtration and chlorination; or

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

- C) as approved by the Department of Conservation.

Section 870.40 Aquaculture Operational Rules

- a) Permit holders must request a letter of authorization from the Aquaculture Coordinator for each additional species not on the Aquatic Life Approved Species List they wish to import or possess, which is not listed on their original permit application.
- b) A letter of authorization from the Department shall be required for each aquatic life species which does not appear on the Aquatic Life Approved Species List. Such letter shall be attached to the permit and shall be available for inspection upon request.
- c) In the event that an aquaculturist possessing aquatic life not on the Aquatic Life Approved Species List goes out of business or possesses such aquatic life contrary to law, the Department shall determine disposition of such aquatic life as deemed necessary.
- d) Permit holders possessing aquatic life not on the Aquatic Life Approved Species List, who cease operation for whatever reason, they or their heirs or assigns are required to notify the Department in writing within 30 days of their cessation of business.
- e) When the permit holder who possesses aquatic life not on the Aquatic Life Approved Species List ceases doing business voluntarily or involuntarily, his or her permit expires at the cessation of business. Heirs, assigns or new owners must apply for an aquaculture permit.
- f) Adequate records shall be maintained as required in Chapter 56, Section 5.16.

Section 870.50 Unlawful Acts

- a) It is unlawful to release any aquatic life into the waters of this state without first securing permission of the Department to do so, except that the owner(s) of a body of water or their agents may release aquatic life on the Aquatic Life Approved Species List into waters that are wholly on their property. All aquatic life may be released into the waters from which they were taken.
- b) It is unlawful for any person(s) to transport, ship, or convey within the State, any live grass carp or white amur (*Ctenopharyngodon idella*), bighead carp (*Hypophthalmichthys nobilis*), silver carp (*Hypophthalmichthys molitrix*), or hybrid grass carp, unless that person(s) has in his possession a "Restricted Species Transportation Permit" issued by the Illinois Department of Conservation.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

- c) It is unlawful to transport, ship, or convey live trout, salmon, or char into the State unless a salmonid import permit has been issued to the source hatchery, as required by Section 3.21 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, par. 3.21). A copy of the salmonid import permit must accompany each shipment. A salmonid import permit will be issued only if the source hatchery has been inspected within the last 12 months and found free of, but not limited to, the following disease agents: VHS - Viral Hemorrhagic Septicemia Virus; IHN - Infectious Hematopoietic Necrosis Virus; CS - Ceratomyxosis (Ceratomyxa shasta); PKD - Proliferative Kidney Disease agent; and/or any other disease agents which are not known to be present in the Great Lakes Basin.

- 1) A salmonid import permit may be issued for a period of up to 6 months following the inspection of the source hatchery. Said salmonid import permit will be reissued if the owner/operator of the source hatchery certifies that there has been no change in the disease status of the source hatchery in the 6 month period following the annual inspection. A bill of sale, listing quantity, species, and hatchery of origin shall be provided to and retained by the final recipient of the fish, until the fish are disposed of.

- 2) The Department recognizes persons inspecting hatcheries using the methods of diagnosis found in "Procedures for the Detection and Identification of Certain Fish Pathogens" published by the Fish Health Section of the American Fishing Society or the "Manual of Compliance to the Fish Health Protection Regulations of the Department of Fisheries and Oceans, Canada, as competent in the diagnosis of fish diseases, unless a clearcut conflict of interest exists. (Such as the inspector being related to the hatchery owner by blood, adoption, marriage or economic interest).

- d) No live aquatic life not on the Aquatic Life Approved Species List produced at the facilities operated or owned by an aquaculture permit holder may be removed from the site unless they are being transferred to another permit holder who has permission to possess them, or to a fish market as food, or to an aquarium shop.

Section 870.60 Restricted Species Transportation Permit Procedures

- a) A Restricted Species Transportation Permit is required for live grass carp, bighead carp, silver carp, or hybrid grass carp. Restricted Species Transportation Permit(s) are available from the Division of Fisheries, 324 S. Second Street, Lincoln Tower Plaza, Springfield, IL 62701-1787. Applications must be received by the Division of Fisheries at least two weeks prior to the proposed shipment date. A "Restricted Species Transportation Permit" shall be required for each shipment, except that extended permits covering regular periodic deliveries may be granted by the Department. Triploid grass carp under 4 inches in length cannot be

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

shipped, transported or stocked and may be possessed only by authorized aquaculture permit holders.

- b) Lake or pond owners are exempt from the "Restricted Species Transportation Permit" requirements while transporting grass carp purchased and obtained in Illinois for stocking in their waters, if they have a signed receipt from an aquaculture permit holder or licensed non-resident fish dealer stating that the grass carp have a triploid number of chromosomes, and the lake or pond owner's name and address is listed on the aquaculturist's "Restricted Species Transportation Permit". A "Restricted Species Transportation Permit" is valid only:

- 1) on the dates listed on the permit, and
 - 2) for names and addresses listed for delivery on such application/permit.
- c) For the purposes of this administrative rule, a shipment is defined as one load of fish; for example three truckloads of fish being transported in convoy would be three shipments.
- d) Except for persons exempt under Section 870.70(b), any person hauling any live triploid grass carp must subject the shipment to examination by the Department of Conservation. For a batch of fish containing more than 56 individuals, 56 fish will be tested; for a batch containing less than 56 individuals, 100% will be tested.

Section 870.70 Penalties

Any person who violates this Part, falsifies or makes any misrepresentation on their application, permit required records, or any other information required to be given to the Department or consumer, shall be subject to penalties described in the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 2.4, 5.7, 5.16 and 5.19).

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Duck, Goose and Coot Hunting2) CODE CITATION: 17 Ill. Adm. Code 5903) SECTION NUMBERS:

590.10
590.30
590.40
590.50
590.60
Exhibit A

PROPOSED ACTION:

Amendments
Amendments
Amendments
Amendments
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.13, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 29, 1987).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modification to waterfowl hunting regulations are necessary to maintain and manage healthy populations of waterfowl.

The proposed changes include updating non-toxic shot zones, as required by the U.S. Fish and Wildlife Service and expanding/modifying/decreasing waterfowl hunting programs at state-owned or managed sites as recommended following evaluation of site specific resources.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 590

DUCK, GOOSE AND COOT HUNTING

Section

- 590.10 Statewide Regulations
590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites.
590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60 Various Other Department Sites - Duck, Goose and Coot Hunting
EXHIBIT A The Non-Toxic Shot Zones of Illinois

AUTHORITY: Implementing and authorized by Sections 1-3, 1-4, 1-13 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1-3, 1-4, 1-13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 29, 1987).

SOURCE: Adopted at 5 Ill. Reg. 3857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendments at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendments at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendments at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendments at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendments at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendments at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. -----, effective -----.

Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.18), it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Hunting" (50 CFR 20, effective September 29, 1987) (collectively referred to in this Part as federal regulations), (no incorporation in this Part includes later amendments or editions) or contrary to any State regulations made in the Wildlife Code.

- b) The regulations in Section 2.33 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.33) on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20, effective September 29, 1987) unless the regulations in this rule are more restrictive.
- d) It shall be unlawful while attempting to take migratory waterfowl to have in possession any shotgun shells prohibited by federal regulations. The only shot approved as non-toxic by the U.S. Fish and Wildlife Service (50 CFR 20) is steel shot, and copper-plated or nickel-plated steel shot for which the plating represents less than 1% the shot's weight. Lead shot plated with copper, nickel, or other material does not qualify. ~~Muzzleloading shotguns are exempt from non-toxic shot regulations for the 1988-89 season.~~ Sites covered by these regulations are as stated in the federal regulations or they are listed under Site Specific Regulations. Only non-toxic shot may be used for hunting waterfowl in the following non-toxic shot zones (see EXHIBIT A):

- 1) Mississippi River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:

- A) All of Alexander, Calhoun, Carroll, Henderson, Jackson, Jersey, Pike, Rock Island and Union Counties.
- B) Adams County: IL-96 (Lima), County Highway (Hwy) 41, County Hwy-7, County Hwy-8, and Lock and Dam 20. The Mark Twain National Wildlife Refuge, Bear Creek Unit is also a nontoxic shot zone.
- C) Hancock County: (Dallas City), IL-9/96, IL-96/US 136, and IL-96.
- D) Henry County: I-80 and I-74/280.
- E) Jo Daviess County: IL-35 (East Dubuque), US-20, IL-84/US-20, and IL-84.
- F) Mercer County: Railroad Bridge (Keithsburg), County Hwy-16, and County Hwy-25.
- G) Pike County: US-36 (Shepherd), IL-96/US-36, and IL-96. (Also see Illinois River Section 590.10(d)(2) below)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

H) Rock Island County - IL-5, IL-5/92, and I-80; I-74/289, I-289, and IL-92 - to Iowa state line.

HC) Whiteside County: IL-84 (north), IL-136/Fulton Road, County Hwy-21/Frog Pond Road, Garden Plain Road, County Hwy-21/Sand Road, and IL-5.

2) Illinois River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:

A) All of Calhoun, Cass, Fulton, Jersey, Marshall, Mason, Peoria, Pike, Putnam, and Woodford Counties.

B) Brown County: County Hwy-3/Federal Aid Secondary Route (FAS) 582, FAS-582, County Hwy-12, and IL-99.

C) Bureau County: IL-89 (Spring Valley), IL-6/89, IL-29, and IL-26/29, and IL-29.

D) Greene County: Kampsville Ferry Route, IL-108, and Federal Aid Primary Route (FAP) 155 (south).

E) Morgan County: IL-104 (Mercedosia) and IL-100/US-67.

F) Peoria County: IL-29, IL-29/US-24, and IL-9/US-24.

G) Pike County - IL-104 (Mercedosia) - and - IL-99 - - (Also - see Mississippi River Section 590.10(d)(1) above).

H) Schuyler County: IL-100 (Bluff City) IL-103, and County Hwy-9.

HC) Tazewell County: IL-26, IL-116, IL-116/US-150, IL-8/116, IL-29, IL-9/29, IL-29, FAS-461, and County Hwy-16.

3) Southern Illinois Quota Zone

All of Alexander, Jackson, Union and Williamson Counties.

4) Rend Lake Goose Quota Zone

All of Jefferson County - and all of - Rend Lake - plus all - adjacent areas - managed - by - U.S. - Army - Corps - of - Engineers - of - Illinois Department of Conservation and Franklin Counties.

5) Other Areas

ILLINOIS REGISTER

3226
89

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

All of Bond, Clinton, Fayette, Kane, Lake and McHenry Counties.

e) Emergency Closure

The Department of Conservation (Department or DOC) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached or, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs.

f) Closed Areas and Refuges

1) Ducks - Specific habitats, geographical areas, or political land units shall be closed to hunting of specified species of ducks in compliance with federal regulations.

2) Geese and Refuges

A) Additional geographical areas or political land units shall be closed to hunting of specified species of geese in compliance with federal regulations.

B) Portions of the following areas are designated as waterfowl refuges and the refuge boundaries are posted or identified on each area posting:

i) Horseshoe Lake Conservation Area - Alexander County (in the refuge no motors will be allowed from October 15 through December 31 and trolling motors will only be used from January 1 to March 1)

ii) Rend Lake and Rend Lake Wildlife Management Area

iii) Union County Conservation Area (all fishing and boat traffic is prohibited from October 15 through March 1)

g) Migratory Waterfowl Hunting Area Permits (Commercial and Non-Commercial)

1) The holder of a permit shall forward within one week after the close of the season or at an earlier time as requested by the Department, a report upon forms furnished by the Department providing information on the hunting season.

2) Section 590.10 (g) of this Part shall be in accordance with Section 3.7 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.7).

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

h) Teal Hunting Regulations are located in 17 Ill. Adm. Code 740.

i) When public duck blinds on State managed sites are flooded to the point that they are no longer usable, but the water level is not too high or rough to be a threat to public safety, the Department, by public announcement and posting, may permit waterfowl hunting anywhere on the area except in designated refuge areas. Any permits issued for the blinds are no longer valid and no fee to hunt the area will be charged.

j) Waterfowl Hunting Zones:

1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.

2) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry Landing on the Mississippi River and east along the Modoc Ferry Road to Randolph County Highway 12 to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

3) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.

4) Tri-county Goose Zone - Knox County and the following townships: Fulton County - Buckheart, Canton, Cass - Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24; Henry County - Alba, Annawan, Atkinson, Cornwall.

5) Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.

6) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.

7) Southern Illinois Quota Zone (Alexander, Union, Williamson, and Jackson Counties).

k) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone except between ~~one-half-hour~~ before ~~sunrise~~ legal opening and the hour of 3:00 p.m.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites.

a) The regulations in this Section apply to all sites listed in Sections 590.40, 590.50 and 590.60, unless otherwise stated in those Sections.

b) The regulations in these Sections are in accordance with Federal Regulations (50 CFR 20, effective September 29, 1987) unless the regulations in these Sections are more restrictive.

c) All the regulations in 17 Ill. Adm. Code 510 apply in these Sections, unless these Sections are more restrictive.

d) Definitions

1) Blind site - A position within 10 feet of numbered site where blind must be constructed. Sites will be located and marked by the Department of Conservation.

2) Blind builder - Person who has been assigned a blind site as a result of the drawing.

3) Blind partner - Person(s) chosen by the builder to assist in construction and maintenance of the blind and to share its hunting privileges.

4) Drawing - Procedure by which blind sites are assigned.

5) Blind registration card - Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.

6) Complete blind - A blind with all framework and siding constructed and in readiness for use, including final brushing.

7) Hunting party - An individual or group of hunters occupying a single boat, blind, or hunting site.

e) Blind Construction

1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.
- 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of waterfowl season, except for those areas listed in Section 590.60(b)(7) and Section 590.60(b)(15), after which time the Department of Conservation will inspect all blinds and blind sites and issue blind registration cards to those which pass inspection. Blind builders must post Blind Registration Card in the blind prior to the first day of duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.
- 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, will be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.
- 5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes will be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned before August 31. Failure to do so will result in forfeiture of blind.
- 6) No person shall be allowed to be a blind builder or partner on more than one State Waterfowl Management Area in Illinois.
- 7) Boat hides are required, except as noted in Sections 590.40, 590.50 and 590.60, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by three weeks prior to the opening day of waterfowl season; failure to meet these standards will result in forfeiture of blind site.

f) Use of blinds

- 1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 2) No person shall hunt, or attempt to hunt, except from within a registered blind.
 - 3) Persons under 16 years of age shall not hunt, or attempt to hunt unless accompanied by an adult due to safety factors.
 - 4) Blinds shall not be locked.
 - 5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied is unlawful.
 - 6) No person shall fish within 250 yards of an occupied blind within the hunting area.
 - 7) All hunting parties shall hunt over a spread of at least 2 decoys. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container. Decoys must be removed at the end of the day's hunt or left overnight, as determined by the site manager.
- g) Public Drawing
- 1) Time and place for all sites holding drawings will be publicly announced by the Department of Conservation.
 - 2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Person exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of duck blind sites.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section are:

Anderson Lake Conservation Area

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Batchtown (Federal Lands)

Calhoun Point (Federal Lands)

Glades (Federal Lands)

Godar-Diamond (Federal Lands)

Horseshoe Lake State Park - Madison County

Lake DePue Fish and Wildlife Area

Marshall County Conservation Area

Mazonia Fish and Wildlife Area

Sanganois Conservation Area

Spring Lake Conservation Area

Stump Lake (Federal Lands)

Woodford County Conservation Area

- b) The sites listed above in Section 590.40(a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in parentheses and in the remainder of this Section.

- 1) Anderson Lake Conservation Area - All Management Units (legal opening - noon; last 3 days statewide hours)

A) Carlson Management Unit -- (for the first ten days of the season, waterfowl hunting will be permitted on all alternate days beginning with the opening of duck season; thereafter, hunting is permitted every day - in the event of adverse water and/or feed conditions, hunting will be prohibited.)

B) West Point Management Unit - (waterfowl hunting will be permitted on all alternate days beginning with the second day of the duck season - hunting will be restricted to within 50 feet of the staked site - in the event of adverse water and/or feed conditions, hunting will be prohibited and posted at the check station.)

- 2) Batchtown (legal opening - 3:30 p.m. Central Standard Time (CST); last 3 days of duck season, statewide hours)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 3) Calhoun Point (legal opening - 3:30 p.m. CST; last 3 days of duck season, statewide hours after the close of the duck season, goose pits will be allocated by a daily drawing)

- 4) Glades (legal opening - 3:30 p.m. CST; last 3 days of duck season, statewide hours)

- 5) Godar-Diamond (legal opening - 3:30 p.m. CST; last 3 days of duck season, statewide hours)

- 6) Horseshoe Lake - Madison County (legal opening - 3:30 p.m. CST; last 3 days of duck season, statewide hours - goose hunting is prohibited after the duck season)

- 7) Lake DePue (sunrise - noon; goose hunting is prohibited after the duck season)

- 8) Marshall County Conservation Area - Spring Branch Unit (legal opening - Noon)

- 9) Mazonia Fish and Wildlife Area (legal opening to 12 noon; closed to goose hunting during the September season)

- 10) Sanganois (check station and walk-in area, legal opening - Noon; except last 3 days of duck season are statewide hours)

- 11) Spring Lake (legal opening - Noon; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.)

- 12) Stump Lake (legal opening - 3:30 p.m. CST; last 3 days of duck season, statewide hours)

- 13) Woodford County Conservation Area (legal opening - Noon)

- c) The following regulations apply to all sites listed in this Section under Subsection (a):

- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

- 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before shooting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.

ILLINOIS REGISTER

3234
89

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 3) All hunting will be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
- 4) All hunters must be checked out within one hour of the close of the legal shooting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards will be returned.
- 5) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 3 days prior to the waterfowl season.
- 6) It shall be unlawful to trespass upon the designated waterfowl hunting area ~~or waterfowl refuge~~ beginning 7 days prior to the waterfowl season and on areas designated as waterfowl refuges 14 days prior to the waterfowl season and until the end of the waterfowl season on Anderson Lake, Lake Depue, Marshall County, Spring Lake, and Woodford County Sites.

- 7) It shall be illegal to fish or trespass upon the designated waterfowl hunting area or waterfowl refuge beginning two weeks prior to the waterfowl season until the end of waterfowl season at Mazonia Fish and Wildlife Area

- 7)(3) No more than 4 persons shall occupy a blind at one time.

- d) ~~Blinds~~ During duck season, blinds not claimed by the builder or partners by one hour before shooting time will be assigned by a drawing at this time or during the time in parentheses, after which time the area will be closed to additional hunters.

Anderson Lake (9:00 a.m. -- 1:00 p.m.)
 Batchtown (9:00 a.m. - 1:00 p.m.)
 Calhoun Point (9:00 a.m. - 1:00 p.m.)
 Glades (9:00 a.m. - 1:00 p.m.)
 Godar-Diamond (9:00 a.m. - 1:00 p.m.)
 Horseshoe Lake - Madison County (9:00 a.m. - 1:00 p.m.)
 Lake DePue (9:00 a.m.)
 Marshall County Conservation Area - Spring Branch Unit (9:00 a.m.)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Mazonia Fish and Wildlife Area (9:00 a.m.)

Rice Lake (walk-in 9:00 a.m.)

Sanganois (10:00 a.m.)

Spring Lake (9:00 a.m.)

Stump Lake (9:00 a.m. - 1:00 p.m.)

Woodford County Conservation Area (9:00 a.m.)

- e) Blind sites will be allocated for a one-year period by a public drawing at:

Anderson Lake (Anderson Lake Management Unit)

Horseshoe Lake (Madison County)

Lake DePue

Marshall County Conservation Area - Spring Branch Unit

Mazonia Fish and Wildlife Area

Sanganois

Spring Lake

Woodford County Conservation Area

- f) Previous year's blind builders will have until the time as noted in parentheses to salvage materials from their blinds.

Anderson Lake (February 1 of the following year)

Batchtown (7 days after the current drawing)

Calhoun Point (7 days after the current drawing)

Glades (7 days after the current drawing)

Godar-Diamond (7 days after the current drawing)

Horseshoe Lake - Madison County (7 days after the current drawing)

Lake DePue (February 1 of the following year)

Marshall County Conservation Area - Spring Branch Unit (February 1 of the following year).

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Mazonia Fish and Wildlife Area (February 1 of the following year)

Sanganois (7 days after the current drawing)

Spring Lake (February 1 of the following year)

Stump Lake (7 days after the current drawing)

Woodford County Conservation Area (February 1 of the following year)

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section have additional regulations in parentheses:

Chain O'Lakes State Park (Goose hunting permitted during special goose season prior to regular waterfowl season; hunting allowed from numbered blind sites only; blinds need not be completed for hunting during special early goose season)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season held prior to regular duck season provisions of 590.30(f) and 590.50(b) do not apply)

Fuller Lake (Federal Lands)

Helmbold Slough (Federal Lands)

Illinois River - Pool 26

Kankakee River State Park (no boat hide required; no goose hunting permitted during September Goose Season)

Lake Sinnissippi (Department Owned Land)

Marshall County Conservation Area - Sparland Unit (Department Owned Land)

Meredosia Lake - Cass County Portion Only

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (Federal Lands)

Pekin Lake (Department Owned Land)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Piasa (Federal Lands)

Red's Landing (Federal Lands)

Riprap Landing

Savanna Ordnance Depot (Federal Lands)

Starved Rock State Park

William W. Powers Conservation Area (no goose hunting during September Goose Season; boat hides required only at designated sites as announced at the drawing)

- b) The sites listed above in Section 590.50 (a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in the remainder of this Section. The following regulations apply to all sites listed in this Section under subsection (a).

- 1) Hours are legal opening to sunset.

- 2) Blind builders or partners must occupy their blinds by one-half hour before opening shooting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first-come basis.

- 3) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.

- c) Hunting from stationary blinds will be permitted at the above areas with the following exceptions:

- 1) Boston Bay, Mississippi River Pool 18 - no permanent blinds may be built. Temporary blinds only - 200 yards apart.
- 2) Mississippi River Pools 16-18 - scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting.
- 3) Savanna Ordnance Depot - scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters.
- 4) Red's Landing - all area north of access road will be a walk-in area.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- d) Special access restrictions are at the following sites:

Savanna Ordnance Depot (boat access only)

- e) No more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Savanna Ordnance depot.

- f) Previous year's blind builders shall have until the date listed in parentheses of the following year to salvage materials from blind sites. After this date, all materials will become the property of the Department or the new blind builder, as determined by the site manager, except as noted in parentheses.

Chain O'Lakes (blind drawing date)

Des Plaines River (blind drawing date)

Fuller Lake (7 days after the current year's drawing)

Helinbold Slough (7 days after the current year's drawing)

Illinois River Pool 26 (7 days after the current year's drawing)

Kankakee River (February 1)

Lake Sinnissippi (blind drawing date; after May 1 the Department reserves the right to remove any blinds or parts thereof that it deems necessary for reasons such as but not limited to, hazards to navigation, interference with canal feeder or access and hazards to recreational boating)

Marshall County Conservation Area - Sparland Unit (February 1)

Meredosia Lake - Cass County Portion Only (February 1)

Mississippi River Pools 16, 17, 18 (the next season's blind drawing date)

Mississippi River Pools 21, 22, 24, 25, 26, (7 days after the current year's drawing)

Pekin Lake (the blind drawing date)

Plaza (7 days after the current year's drawing)

Red's Landing (7 days after the current year's drawing)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Riprap Landing (7 days after the current year's drawing)

Savanna Ordnance Depot (blind drawing date)

Starved Rock State Park (February 1)

William Powers (February 1)

- g) Blind sites will be allocated for the period as noted by a public drawing at:

Chain O'Lakes (1 year)

Des Plaines River (1 year)

Kankakee River (1 year)

Lake Sinnissippi (1 year)

Marshall County Conservation Area - Sparland Unit (1 year)

Meredosia Lake - Cass County Portion Only (1 year; mail in drawing to be conducted at District office; date and procedures to be publicly announced)

Mississippi River Pools 16, 17, 18, 22, 24, (2 years)

Mississippi River Pool 21 (1 year)

Mississippi River Pools 25, 26 (3 years)

Pekin Lake (1 year)

Savanna Ordnance Depot (1 year)

Starved Rock State Park (1 year)

William Powers (1 year)

- h) Re-registration Process for "2 year" and "3 year" Blind Allocation Sites.

1) Mississippi River Pools 16, 17, and 18

In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must mail or phone in notice to re-register that blind site. Failure to re-register during the publicly announced prescribed period will result in loss of blind site

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 2) Mississippi River Pools 21, 22, 24, 25 and 26

In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must be present in order to re-register that blind site. Registrant must be over 16 years of age and have in his possession the current year's Illinois hunting license for himself and his blind partners. Failure to re-register during prescribed period will result in loss of blind site.

- 3) Blind builders may not be added or transferred to another blind after the initial blind registration has occurred.

i) Fishing restrictions

- 1) On Mississippi River Pools 16, 17, 18, fishing will be permitted on the area with the exception that no person shall engage in fishing within 200 yards of an occupied waterfowl blind during the regular waterfowl season.

- 2) At William Powers, fishing from boats during waterfowl season is unlawful. Fishing from the shore in areas posted as waterfowl hunting areas during waterfowl hunting season is unlawful.

- j) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned by ~~December 31~~ January 15 or the blind building builder and partners for that blind will not be allowed to be a blind builder or partner at these sites for the following year.

Chain of Lakes State Park

Des Plaines Conservation Area

Kankakee River State Park

William Powers Conservation Area

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

- a) Sites covered in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in the remainder of this Section. These sites are:

Carlyle Lake Wildlife Management Area

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Clinton Lake State Recreation Area

Crab Orchard Refuge

Donnelley State Wildlife Area

Fox Ridge State Park

Ft. de Chartres Historic Site

Heidecke Lake State Fish and Wildlife Area and Powerton Lake and LaSalle Fish and Wildlife Area

Horseshoe Lake Conservation Area (Alexander County) Public Hunting Area (other than permit area)

Horseshoe Lake State Recreation Area (Madison County)

Kaskaskia River Fish and Wildlife Area

Kidd Lake State Natural Area (no permanent blinds allowed)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville

Lake Shelbyville Fish and Wildlife Management Area

LaSalle Fish and Wildlife Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mernett Lake Conservation Area

Mississippi River Area Fish and Wildlife Area

Pike County Conservation Area

Powerton Lake (Regulations combined with Heidecke Lake)

Rend Lake Wildlife Management Area

Rice Lake Conservation Area

Saline County Conservation Area

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Sangamon Conservation Area

Sangchris Lake State Park

Shawnee National Forest, Bluff Lake

Shawnee National Forest, LaRue Scatters

Shawnee National Forest, Oakwood Bottoms (West of the Big Muddy Levee)

Stephen A. Forbes State Park

Turkey Bluffs Fish and Wildlife Area (All hunters must sign in and out and report kill; no permanent blinds allowed)

Union County (firing line Waterfowl Management Area)

b) Site specific regulations

f) Carlyle Lake-Sands and Waters

A) Shooting hours are statewide opening hours until 1:00 p.m. during the duck hunting season. During the last 3 days of the duck season the shooting hours will be from legal statewide opening to legal statewide closing.

B) Waterfowl and coot hunting will be permitted except in clearly posted refuge areas or developed recreation areas, or within 500 feet of construction sites or developed recreation areas.

C) No permanent blinds, gooses, pits, or other structural works may be constructed or dug on state-managed lands at any time. All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.

D) It is unlawful to enter the subindependent area 3 days before the beginning of waterfowl hunting season. No one may enter the subindependent area before 3:00 a.m. each day of the duck hunting season and no one may remain in the area after 3:00 p.m. except the last 3 days of the duck season the area must be vacated 2 hours after the legal statewide closing hour. The subindependent area is defined as being from river to the bluff.

E) No one may enter or remain on the waters of Carlyle Lake from 12:00 a.m. to 3:00 a.m. each day of the duck hunting

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

season. No waterfowl hunter may remain in the area after 3:00 p.m., except the last 3 days of the duck season the area must be vacated 2 hours after the legal statewide closing hour.

F) It is unlawful to be in possession of firearms on the water of Carlyle Lake after 3:00 p.m. each day during the waterfowl hunting season and 24 hours prior to opening day of waterfowl season.

G) Only walk-in hunting will be permitted on the subindependent area except when the water level is too high to allow for regular hunting. Department personnel will post that the area is open to boats. Boats are allowed only at those times in the subindependent area.

H) Only waterfowl and coot may be hunted in the subindependent area during duck season.

I) Each hunting party is required to hunt over a minimum of 12 decoys.

J) A minimum of 200 yards shall be maintained between waterfowl hunting parties. A hunting party shall be defined as an individual or group of hunters occupying a single beat blind or hunting site.

K) No person shall attempt to manipulate any of the gates, pumps, or structures in the subindependent area.

L) Decoys shall not be left out unattended or after 1:00 p.m. each day except for the last three days of the duck season when statewide regulations shall apply.

M) No motor-driven vehicles are allowed in the subindependent area except those operated by Department of Conservation or Corps of Engineers personnel.

N) The lands and waters lying south of a line from the mouth of Cotes Creek on the east side of the lake to Allen Branch on the west side of the lake is a waterfowl refuge and is closed to hunting.

1) Waterfowl Hunting Regulations for Carlyle Lake Lands and Waters

A) Shooting hours for waterfowl are statewide opening hour until 1:00 p.m.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- B) Waterfowl and coot hunting will be permitted except in clearly posted refuge areas or developed recreation areas, or within 500 feet of construction sites or developed recreation areas.
- C) No permanent blinds, goose pits, or other structural works may be constructed or dug on State managed lands at any time, except that the U.S. Army Corps of Engineers may build permanent blinds for disabled or handicapped hunters. All other blinds must be portable in nature or constructed of natural vegetation located at the blind site, and must be removed at the end of the day's hunt.
- D) It is unlawful to enter the subimpoundment area 3 days prior to the opening of waterfowl hunting season. No one may enter the subimpoundment area before 3:00 a.m. each day of the duck hunting season, and no one may remain in the area after 3:00 p.m. each day of the duck hunting season. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4.
- E) No one may enter or remain on the waters of Carlyle Lake from 12:00 a.m. (midnight) to 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunter may remain in the area after 3:00 p.m. each day of the waterfowl hunting season.
- F) It shall be unlawful to be in possession of firearms on the waters of Carlyle Lake after 3:00 p.m. each day during the waterfowl hunting season and 24 hours prior to the opening day of waterfowl hunting season.
- G) Only walk-in hunting will be permitted in the subimpoundment areas. No flotation devices capable of floating a man are allowed. When the water level in the subimpoundment area is too high, due to flooding, to allow walk-in hunting, Department of Conservation personnel will post that area is open to boats. Boats are allowed only at these times in the subimpoundment areas.
- H) Only waterfowl and coot hunting are allowed in the subimpoundment area during the duck hunting season. On the day following the close of duck season to the close of goose season, the following areas in the Carlyle subimpoundment will be refuge. All of compartments 3 and 4 and that portion of compartment 2 that lies 200 yards south of levee B where the levee runs east and west, and 200 yards west where the levee turns and runs north and south.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- I) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season.
- J) A minimum of 200 yards shall be maintained between waterfowl hunting parties. (A hunting party shall be defined as an individual, or group of hunters occupying a single boat, blind, or hunting site.)
- K) No person shall tamper or attempt to manipulate any of the gates, pumps, or structures in the subimpoundment area.
- L) No motor driven vehicles are allowed in the subimpoundment area except those operated by Department of Conservation or Corps of Engineers personnel.
- M) The lands and waters lying south of a line from the south side of the mouth of Coles Creek on the east side of Carlyle Lake to the south side of the mouth of Allen Branch on the west side of Carlyle Lake is a designated waterfowl refuge and is closed to hunting.
- N) East Side Management Area from Cox Bridge to the north and east boundary of the State managed land is open to hunting of other species during the waterfowl hunting season. Subimpoundment area waterfowl regulations apply in this area for waterfowl hunting. Statewide and site specific regulations apply for other species.
- 2) Clinton Lake
- A) No check-station. Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season will be forfeited.
- B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge, and within 200 yards of developed recreation areas, construction and industrial sites, or within 300 yards of electrical power lines.
- C) Hunting parties must maintain a minimum distance of 200 yards apart.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- D) No more than 3 persons shall occupy or use a portable boat blind.
- E) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of each hunting day.
- F) ~~Hunters must fill out and deposit hunter-survey cards provided prior to leaving the area.~~
- G) Each hunting party is required to hunt over a minimum of 12 decoys.

3) Donnelley State Wildlife Area

- A) Hunting is prohibited on Tuesdays and Wednesdays.
- B) Hunting hours are from sunrise to 12 Noon.
- C) Goose hunting is prohibited after the close of the duck season.
- D) All hunting will be from designated blinds only. Refilling or changing blinds is not permitted.
- E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.

F) \$5 daily usage stamp must be purchased to hunt this area.

G) No outboard motors are allowed by public - only by authorized DOC personnel.

H) No more than 3 persons shall occupy a blind at any one time.

I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 1 p.m.

J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys which must be removed upon the termination of the hunt.

K) The first weekend and the third Saturday of the waterfowl season will be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There will be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

4) Fox Ridge State Park

- A) Hunting restricted to Embarras River and its flood waters.
- B) No permanent blinds of any kind or other structural works are permitted.
- C) No pits shall be dug, built or occupied.

5) Fort de Chartres Historic Site

- A) No check station.
- B) Hunting is allowed from anchored, portable boat blinds only on a first-come, first-served basis; no permanent blinds allowed.

C) Portable boat blinds must have been completed, including final brushing, before entering the area and must be removed at the end of each hunting day.

D) Hunting parties must maintain a minimum distance of 200 yards apart.

E) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

F) No hunting is allowed during firearm deer season.

5) Heidecke Lake, State Fish and Wildlife Area and Powerton Lake and Lake Fish and Wildlife Area

A) Definitions:

i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area. The boat blind and all blind materials will be removed at the end of each hunting day.

ii) Water blind site - a position within 10 yards of a numbered stake or buoy where a blind may be located.

iii) Daily draw - procedure by which blinds or blind sites are allocated daily.

iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- B) Waterfowl hunting will be permitted on Department leased or managed lands and waters only at designated blind sites.
- C) Water blind sites will be determined by the Department of Conservation and marked with a numbered stake or buoy.
- D) Blind sites will be allocated on a daily draw basis conducted at the check stations 90 minutes before sunrise. At Heidecke Lake hunters shall register as parties for the drawing; each party drawn will be allowed to select blind site in order drawing; only those hunters registered in party will be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- E) Blind sites not selected during the drawing will be allocated on a first-come, first-served basis. Vacant blind sites will not be allocated after the drawing until one hour after legal shooting time. No blind sites will be allocated after the drawing until one hour after legal shooting time. No blind sites will be allocated after 10:00 a.m.
- F) Hunters wishing to move to another blind site must report this move to the check station attendant, in person, before such a move.
- G) Hunting will be from boat blinds only.
- H) Access to water blind sites will be by boat only and from designated boat launch sites.
- I) All water hunting must be from portable blind, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before entering the area, and be removed at the end of each hunting day.
- J) Daily shooting hours will be legal opening time to 12:00 Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged will be checked in and displayed to the station operator and hunting licenses returned.
- K) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- L) No unauthorized pits or blinds will be built on Department leased or managed land or water.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- M) Heidecke Lake will be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. LaSalle Fish and Wildlife Area and Powerton Lake will be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters; and closed to all unauthorized entry during the waterfowl season. ~~LaSalle Fish and Wildlife Area will be closed to boat usage from February 15 through March 31.~~
- N) No hunting will be allowed on Monday and Tuesday at Heidecke Lake. ~~No hunting will be allowed on Monday and Friday at LaSalle Fish and Wildlife Area.~~ No hunting will be allowed at Powerton Lake on Monday through Thursday except hunting will be permitted on State holidays.
- O) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam; however, layout boats approved in advance by the site superintendent will be permitted. A layout boat is defined as a nonmotorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the center dike.
- P) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- Q) Hunting is closed on Christmas Day.
- R) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- S) It is unlawful to shoot across any dike at Heidecke Lake.
- T) Waterfowl hunting will close with the conclusion of the duck season. ~~No goose hunting during the September-Goose Season is permitted at Heidecke Lake at Powerton Lake.~~ At Heidecke Lake waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting during the September goose season is permitted at Heidecke Lake.
- U) In the event of adverse water and/or weather conditions, such as flooding, high winds, or heavy fog, hunting will be prohibited.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 67) Horseshoe Lake (Alexander County) Public Hunting Area (other than permit area)

The refuge area shall be defined as all State owned land and those areas adjacent within the tract of land hereinafter described: Beginning at the intersection of State Highway No. 3 and the Olive Branch-Miller City Road, thence in southerly direction to the intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 3, thence northwesterly to intersection of Old Highway No. 3 and State Highway No. 3 and thence northwesterly along State Highway No. 3 to point of beginning at Olive Branch.

- 78) Horseshoe Lake State Recreation Area (Madison County)

- A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.
- B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation will inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.
- C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.30(e), will be given one week to correct deficiencies. Blinds failing the second inspection will be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

- 89) Kaskaskia River Fish and Wildlife Area

- A) Shooting hours are statewide opening hour until 1:00 p.m. during the duck-waterfowl hunting season. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal shooting hours shall be from statewide opening hour until statewide closing hour. During the last 3 days of the duck-season the shooting hours will be from legal opening hour to statewide closing hour for the entire area. Goose hunting hours end at 1:00 p.m.

- B) All waterfowl hunting parties must use at least 12 decoys and hunt at least 200 yards from the next hunting party.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- C) No permanent blinds will be allowed on the area. No one has any prior claim or right to any blind site. First-come, first-served rule prevails. Blinds shall be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of each day's hunt.
- D) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
- E) No one under 16 years of age shall hunt or attempt to hunt on the area unless accompanied by an adult due to safety factors.

- F) The following regulations apply to the Doza Creek Waterfowl Management Area:

- i) This area will be closed to all public use 3 days prior to waterfowl hunting season. ~~No one may enter the area before 3:00 a.m. each day of the duck hunting season and no one may remain in the area after 3:00 p.m. except the last 3 days of the duck season. The area must be vacated 2 hours after the statewide closing hour.~~ No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.

- ii) Waterfowl, coot and archery deer hunting only will be allowed in this area during the duck hunting season.

- 9)10) Lake Shelbyville

It is unlawful for any unauthorized persons to enter a duly posted restricted area.

- 10)11) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

- A) Waterfowl hunting will be permitted as described below except in duly posted restricted and "No Hunting" areas.

- B) Waterfowl hunting in the Fish Hook Waterfowl Area, the McGee Waterfowl Area, and the Jonathan Creek Waterfowl Area will be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Drawings will be conducted at each area. Parties will register for drawings between 4:00 a.m. and 5:00 a.m. Central Daylight Time (3:00 a.m. and 4:00 a.m. Central Standard Time) on those days. Each party drawn will be

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

allowed to choose one of the staked sites in the waterfowl area. Parties will select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations will apply:

- i) All parties must hunt within 10 yards of their assigned stake.
- ii) All parties must be in place by one-half hour before shooting time.
- iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

C) Hunting in the Jonathan Creek and McGee Waterfowl Areas will be restricted to designated, staked sites on a first-come, first-served basis except as noted in subsections (A) and (B) above. A hunting party must hunt within 10 yards of the stake.

D) Daily shooting hours will be from legal opening to 1:00 p.m. ~~except that during the last 3 days of the regular duck season, statewide shooting hours shall prevail.~~

E) Waterfowl hunters must maintain a distance of 200 yards between parties except as described in subsection (B) above. (A hunting party shall be defined as an individual or group of hunters occupying a single boat, blind, or hunting site).

F) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.

G) The building of permanent blinds of any kind or other structural works is prohibited. All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

H) No goose pits shall be built or dug.

I) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.

J) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- K) During the regular waterfowl season, no bank or boat fishing will be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.

~~†12) Little Black Slough~~

~~Statewide regulations apply, except in areas designated as dedicated nature preserves.~~

~~A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.~~

~~B) Dedicated Nature Preserve areas are closed to hunting.~~

~~†13) Lower Cache River State Natural Area~~

~~A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.~~

~~B) Dedicated Nature Preserve areas are closed to hunting.~~

~~†14) Meredosia Lake - Cass County Portion Only~~

~~All boat traffic is prohibited from entering the duly posted Waterfowl Refuge from 1 week before waterfowl season until the season closes.~~

~~†15) Mermet~~

~~A) Waterfowl hunting will be permitted only during the duck hunting season.~~

~~B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds will be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.~~

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- C) The daily drawing shall be held one hour prior to legal shooting time.
- D) All members of the hunting party shall register as a group (not to exceed 4 people per group) for the purpose of the drawing.
- E) Those hunters in the blind area shall park in designated areas. These parking areas will be numbered to correspond with particular blind sites located along the levee road.
- F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.
- G) Deer, squirrel and woodcock may not be taken in the waterfowl areas after the opening of the waterfowl season.
- H) Daily hunting hours shall be the legal opening until 12:00 Noon local time except that on the last 3 days of the season, hunting shall be from the legal opening until sunset, local time.
- I) All boats are prohibited from entering the duly posted waterfowl refuge (Main Lake) from October 1 until the close of the waterfowl season.

*4)16) Mississippi River Area Fish and Wildlife Area

- A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.
- B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation will inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.
- C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.60(e), will be given one week to correct deficiencies. Blinds failing the second inspection will be reassigned to alternates selected at a drawing on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

*4)17) Pike County Conservation Area

Statewide season regulations apply except that the season closes November 30 or the legal statewide closing, whichever is earlier, in Area A.

*6)18) Rend Lake Wildlife Management Area

- A) All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.
- B) No goose pits or permanent blinds shall be dug or built on State lands.
- C) Only row boats and boats with electric motors shall be used in the subimpoundment areas during the waterfowl hunting season, except that during the last 14 days of the duck hunting season and until the end of the waterfowl season 10 h.p. outboard motors or less may be used.
- D) All waterfowl hunters and all boats must be out of the subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 3:00 a.m.
- E) No hunting will be permitted from the subimpoundment dams.
- F) No waterfowl hunting will be permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- G) The distance between waterfowl hunting parties shall be no less than 100 yards in the Big Muddy and Casey Fork subimpoundment and 200 yards outside the subimpoundment on the remainder of the Area. (A hunting party shall be defined as an individual or group of hunters occupying a single boat, blind, or hunting site).
- H) All boat traffic is prohibited from entering the duly posted waterfowl refuge and the subimpoundments from 2 weeks before waterfowl season until March 1.
- I) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- J) All waterfowl hunting along an east-west line running 200 yards north of the Casey Fork Subimpoundment Dam will be within 10 feet of staked locations.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- K) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- L) Daily shooting hours for waterfowl will be from legal opening time to 1:00 p.m.
- M) The land portion of the Rend Lake Refuge is closed to trespassing at all times. The location of the Rend Lake Refuge is described as follows:
 - i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
 - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
 - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
 - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
 - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
 - vi) Bounded on Nason Point by refuge boundary signs at project limits.

17) 19) Rice Lake (Walk-in and Voorhees-Copperas Creek Management Units)

- A) Hunting will be alternated between units every other day beginning with opening day at the walk-in unit, and shall be limited to 20 hunters per day.
- B) Hunters shall be determined by a daily drawing at the designated check station.
- C) Shooting hours shall be from legal opening time until 12:00 Noon. Statewide bag and possession limits apply on this area.

18) 20) Saline County Conservation Area

- A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

19) 21) Sanganois

- A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
- B) Walk-in waterfowl hunting will be permitted only in the area posted for this purpose.
- C) All hunters using this area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
- D) Upon the completion of hunting, hunters must report to the check station within one hour.
- E) Fishing is prohibited in the impoundment areas during the waterfowl season.
- F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through December 31.
- G) No person shall trespass on the Marion-Pickrel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season.

20) 22) Sangchris Lake State Park

- A) Hunting hours are legal opening until 12:00 Noon ~~(except last 3 days are statewide hours).~~
- B) Hunters will participate in daily drawing commencing 2 hours prior to sunrise. Blind sites not selected during the drawings will be allocated on a first-come, first-served basis. Vacant blind sites will not be allocated until 9:00 a.m. Further, no blind sites will be allocated after 10:00 a.m., ~~except the last 3 days when no blind sites will be allocated after 1:00 p.m.~~
- C) All hunting will be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- E) There will be a duly posted waterfowl refuge located at the north end of the lake that will include all waters of the lake located north and at right angles to (in an east and west direction) the peninsula created by the junction of the east and west arms. This area will be closed to all boat traffic and boat fishing during the waterfowl/duck season. Bank fishing along the dam will be permitted.
- F) A waterfowl refuge will be located on State land between the east and west arms of the lake. Additional refuges are located on waters from the junction of the center arm and the east arm of the lake north to the refuge area, the area adjacent to the power plant is utilized as a fly ash pond and the south portion of the west arm will be duly designated as inviolate areas.
- G) Waterfowl hunting will close with conclusion of duck season.
- H) No more than 4 persons shall occupy a blind at one time.
- I) Waterfowl hunting will be permitted on State leased lands and waters in the Sangchris Lake State Park area, except in duly posted refuge areas, developed recreation areas, a minimum of 300 yards from all high lines and 500 feet from construction or industrial sites. The center arm of the lake will be closed to all waterfowl hunting.
- J) Blind sites will be determined by the Department of Conservation and marked with a numbered stake. When it is deemed necessary, the Department of Conservation will remove, move or close blind sites in order to carry out the operations of the overall management program.
- K) Blind sites will be allocated on a daily draw basis.
- L) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- M) Access to blind sites will be by boat only and from designated boat launch sites, the West Hill Boat Launch and the East Harbor Boat Launch. A corridor located north of the Middle Peninsula along the southern edge of the existing refuge will be established to provide access to the west arm of the Lake from the East Harbor Boat Launch when the West Hill Boat Launch is closed. Such notice of corridor use will be announced prior to the blind drawing for that day.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- N) All hunting must be from 1 portable blind or 1 anchored portable blind located within a numbered cove and between the assigned numbered stakes. Portable blinds or boat blinds must have been completed, including final brushing, before entering the area, and removed at the end of each hunting day. Cutting of natural vegetation for any purpose will be unlawful.
- O) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- P) No pits or blinds will be built on State leased or Commonwealth Edison land.
- Q) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.
- R) Corridor - Water travel lane, during waterfowl season only, for boating back and forth to blind sites.
- S) Fishing will be prohibited in the east and west arms of the lake during the period from 10 days prior to the waterfowl/duck season through the end of the waterfowl season.
- T) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- U) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Conservation will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- 21)23) Shawnee National Forest, Bluff Lake
- A) Goose hunting is prohibited.
- B) Shooting hours: legal opening until noon.
- C) No permanent blinds or other structures may be constructed on the site.
- 22)24) Shawnee National Forest, LaRue Scatters
- A) All hunting will be by walking in or in boats without motors.
- B) Shooting hours for all species in this area shall close at 12:00 Noon local time, except bow hunting for deer shall be

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

permitted in accordance with statewide deer hunting hours (17 Ill. Adm. Code 670).

- C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.

23)25) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

- A) All hunting will be by walking into the area.
- B) Shooting hours for all species on this area shall close at 12:00 Noon local time, except bow hunting for deer shall be permitted in accordance with Statewide deer hunting hours (17 Ill. Adm. Code 670).
- C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.
- D) Each hunting party will be required to hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- E) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the sub-impoundment area.

24)26) Stephen A. Forbes

- A) Daily hunting hours are legal open to 1:00 p.m.
- B) On the main lake hunting is allowed from a boat blind only and must be within 100 yards of a staked location.
- C) Only walk-in hunting is allowed in the sub-impoundment. Hunting must occur within 100 yards of a staked location.
- D) Hunting will be allowed on a first-come, first-served basis. All hunters must use 12 decoys, minimum.

25)27) Union County (Firing Line Waterfowl Management Area)

- A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.

DEPARTMENT OF CONSERVATION

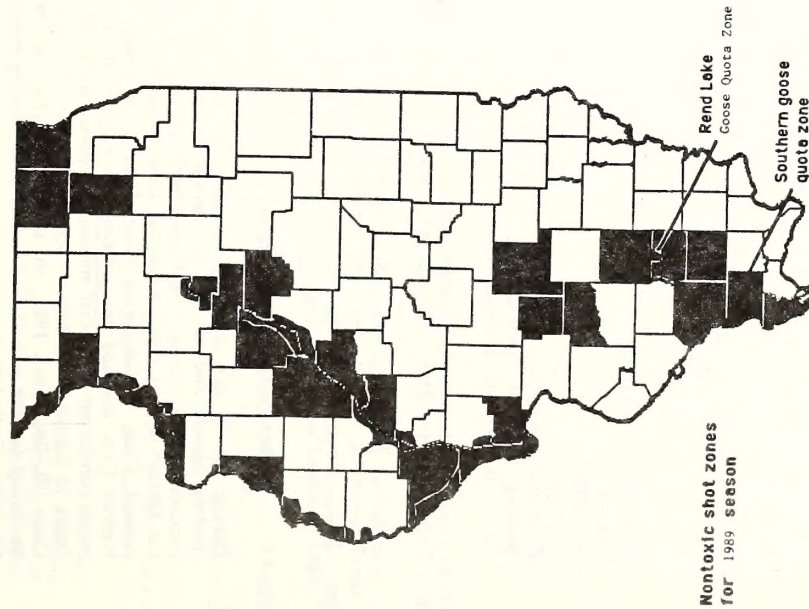
NOTICE OF PROPOSED AMENDMENTS

- B) This area will be closed at 12 noon during the goose season.
- C) Hunters may not possess more than 10 shells nor shot larger than size T during the goose season.
- D) Waterfowl hunting from staked sites only.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTS

EXHIBIT A The Non-Toxic Shot Zones of Illinois



(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Field Trials on Non-Department Owned or Managed Lands
- 2) CODE CITATION: 17 Ill. Adm. Code 930
- 3) SECTION NUMBERS: 930.45
PROPOSED ACTION: Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.34, 3.1 and 3.5).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to this Part are provided as clarification to the operation of competitive field trials on non-department owned or managed land to insure that the integrity of the resource base is maintained.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787
- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 930
FIELD TRIALS ON NON-DEPARTMENT
OWNED OR MANAGED LANDS

Section
930.10
930.20
930.30
930.40
930.45
930.50
930.60

Statewide Regulations
Permits
Responsibility
Licenses
Furbearer Competitive Events
Shoot-to-Retrieve Field Trials
Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.34, 3.1 and 3.5).

SOURCE: Adopted at 2 Ill. Reg. 48, p. 57, effective December 1, 1978; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 13951, effective September 4, 1985; amended at 11 Ill. Reg. 12864, effective July 28, 1987; amended at 12 Ill. Reg. 11720, effective June 30, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 930.45 Furbearer Competitive Events

- a) During the 20 day period preceding the opening date of the raccoon hunting season and the 20 day period following the closing date of the raccoon hunting season, the Department may only issue field trial permits for United Kennel Club, American Coon Hunters Association, Professional Kennel Club, Mid-America Coon Hunters Association, or the National Kennel Club licensed competitive live raccoon hunts and fox hound field trials conducted in fenced enclosures approved by the Department for the hours of sunset to sunrise in accordance with Section 2.34 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.34). ~~Field trial permits will not be issued for the period of firearm deer hunting season as specified in 17 Ill. Admin. Code 650.10.~~

- b) Field trial permits for competitive coon hound field events and for fox hound field trials, except fox hound field trials conducted in fenced enclosures approved by the Department, will not be issued for the period of firearm deer hunting season as specified in 17 Ill. Admin. Code 650.10.

- c) All vehicles associated with competitive live raccoon hunts conducted during the 20 day periods preceding and following the raccoon hunting season must display a windshield sticker specified in the Field Trial Permit.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED REPEAL

- 1) **HEADING OF THE PART:** Fish Stocking, Importation, and/or Possession of Aquatic Life

- 2) **CODE CITATION:** 17 Ill. Adm. Code 870

- 3) **SECTION NUMBERS:** PROPOSED ACTION:

870.10 Repeal
870.15 Repeal
870.20 Repeal
870.30 Repeal

- 4) **STATUTORY AUTHORITY:** Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 5.12 and 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1983, ch. 56, pars. 1.3b, 1.5, 1.10, 3.20, 5.12 and 5.16)

- 5) **A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:** Following Departmental review of Part 870, it was determined that this Part should be modified extensively. Department personnel decided that the best possible way to do this was by repealing the existing Part 870 and proposing a new Part 870 which would contain the new language. The Notice of Proposed Rules for Part 870 is being published in this same issue of the Illinois Register.

- 6) **WILL THIS PROPOSED REPEAL REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT?** No

- 7) **DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE?** No

- 8) **DOES THIS PROPOSED REPEAL CONTAIN INCORPORATIONS BY REFERENCE?** No

- 9) **ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?** No

- 10) **STATEMENT OF STATEWIDE POLICY OBJECTIVES:** This rule has no impact on local governments.

- 11) **TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING:** Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

- 12) **INITIAL REGULATORY FLEXIBILITY ANALYSIS:** This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED REPEALERTITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 870

FISH STOCKING, IMPORTATION, AND/OR POSSESSION OF AQUATIC LIFE

Section	Unlawful Acts
870.10	Permit Procedures
870.15	Purpose of Rules
870.20	Penalties
870.30	

AUTHORITY: Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 5.12 and 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1983, ch. 56, pars. 1.3b, 1.5, 1.10, 3.20, 5.12 and 5.16)

SOURCE: Added July 12, 1974; effective July 24, 1974; codified at 5 Ill. Reg. 10649, amended at 7 Ill. Reg. 14947, effective November 1, 1983; amended at 10 Ill. Reg. 963, effective January 7, 1986; Repealed at 13 Ill. Reg. _____, effective _____.

Section 870.10 Unlawful Acts

- a) It shall be unlawful to release any aquatic life into waters of this State without first securing permission of the Department to do so, except that the owner of a body of water may release aquatic life that are indigenous to the State of Illinois. All aquatic life may be released into waters from which they were taken.
- b) It is unlawful for any person(s) to import into the state or possess, transport, ship, or stock in the state live grass carp or white amur, *Ctenopharyngodon idella*, silver carp, *Hypophthalmichthys molitrix*, bighead carp, *Aristichthys nobilis* or hybrid grass carp, except by a "Fish Minnow and Frog Breeder Permit" (Ill. Rev. Stat. 1983, ch. 56, par. 5.16) specifically approved for the possession of diploid (fertile) grass carp, or a "Restricted Species Transportation Permit" from the Illinois Department of Conservation. Triploid (sterile) grass carp under 4" in length cannot be transported, shipped, or stocked and may only be possessed by licensed breeders. Lake or pond owners are exempt from the permit requirements while transporting grass carp purchased and obtained in Illinois for stocking in their waters, if they have a signed receipt from a licensed fish dealer or fish breeder stating that the grass carp have a triploid number of chromosomes. Special permission to acquire and possess the fishes included in this paragraph for scientific or educational purposes shall be issued to state agencies and universities by the Illinois Department of Conservation upon written request.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED REPEALER

- c) It is unlawful for any person(s) to import into the state, possess or stock in the state the walking catfish, *Clarias sp.*, and other members of the walking catfish family, Clariidae, except by special permission for scientific or educational purposes issued to state agencies and universities by the Illinois Department of Conservation.
- d) It is unlawful to propagate in the State crayfish of the species *Cherax tervimanus* except by special permission for scientific or educational purposes issued to state agencies and universities by the Illinois Department of Conservation.

(Source: Amended at 10 Ill. Reg. 963, effective January 7, 1986)

Section 870.15 Permit Procedures

- a) A "Restricted Species Transportation Permit" for each shipment is required of anyone who ships or transports into or within the State of Illinois grass carp with a triploid number of chromosomes. Applications for such permits are available from the Division of Fisheries, 524 South Second Street, Lincoln Tower Plaza, Springfield, IL 62706. Applications must be received by the Division of Fisheries at least two weeks prior to shipment.
- b) For the purposes of this administrative rule a shipment is defined as one load of fish; for example, three truckloads of fish being transported in convoy would be three shipments.
- c) Permission to possess diploid grass carp, to be indicated on the Fish, Minnow and Frog Breeder Permit, shall be granted to those holders of such a permit and applicants for such permit who submit a written request to the Division of Fisheries and who meet the following criteria:
 - 1) The applicant shall have at least two ponds, with a surface area of not less than 0.1 acre each. Ponds or other facilities used to hold grass carp shall not permit escapement of such fish over a spillway or through flooding. To determine that the applicant complies with this provision, the Department may inspect the facilities.
 - 2) The applicant shall have the equipment needed to verify the number of chromosomes or a signed agreement with a laboratory that such laboratory will do the testing. A copy of the results shall be sent to the Division of Fisheries, 524 S. Second Street, Lincoln Tower Plaza, Springfield, IL 62701. For a batch of fish containing 240 or more individuals, 120 fish will be tested; for a batch of fish containing less than 240 individuals, 50% will be tested. The cost of testing will be the responsibility of the applicant.
 - 3) No live diploid grass carp produced at the facilities operated or owned by the permit holder may be removed from the site nor may

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED REPEALER

any live breeder diploid grass carp be removed from the site unless the carp are being sold or transported to another fish breeder who has permission to possess diploid grass carp.

- d) Any person hauling any live grass carp must subject shipment to examination by the Department of Conservation upon request. If a shipment is checked, a blood sample will be taken from twenty or more fish, except that if a shipment contains less than twenty fish, fifty percent will be checked.

(Source: Amended at 10 Ill. Reg. 963, effective January 7, 1986)

Section 870.20 Purpose of Rules

The above rules and regulations are established for the purpose of proper management and utilization of the aquatic life resources of the State.

(Source: Amended at 7 Ill. Reg. 14947, effective November 1, 1983).

Section 870.30 Penalties

Any violation of this Part will result in punitive action pursuant to 17 Ill. Adm. Code 2530 which may result in revocation of licenses, breeders permits and/or denial of future applications for Restricted Species Transportation Permits. Anyone who has a license or permit revoked or is denied access to a Restricted Species Transportation Permit pursuant to the procedures in Part 2530 shall have his name or firm's name removed from the list of triploid fish dealers made available to the public by the Illinois Department of Conservation.

(Source: Amended at 10 Ill. Reg. 963, effective January 7, 1986)

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: General Hunting and Trapping on Department-Owned or -Managed Sites

- 2) CODE CITATION: 17 Ill. Adm. Code 510

- 3) SECTION NUMBERS: 510.10
PROPOSED ACTION: Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63a28)

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to this Part are being promulgated by the Department to provide for clarification in statewide rules and to simplify Sections which pertain to hunting and trapping regulations for specific species and state-managed sites by deleting duplicative language.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 510

GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

510.10

Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63a28)

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 510.10 General Site Regulations

a) Regulations

1) All applicable regulations found in the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2 et seq.), federal regulations (50 CFR 1, effective September 30, 1985) and Department of Conservation (Department or DOC) Administrative Rules apply on any Department site.

2) All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.

2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

3) Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.

4) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the site superintendent when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.

5) Adult - a person 18 years of age or older.

c) It shall be unlawful:

1) For any person to possess or consume any alcoholic beverage, including beer or wine, prior to or while on any site for the purpose of hunting or trapping.

2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.

3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed. Any tree stand must be portable and must be removed at the end of each day.

4) To hunt or trap in restrictively posted areas, developed recreation areas, and within 100 yards of construction sites, residences, and developed recreation areas.

5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit hunting season, when authorized hunting is in progress.

6) To use any site when the site superintendent or his authorized representative determine and state that weather, water, equipment, or other conditions make the use of the site unsafe.

7) To hunt or trap outside designated areas at the site.

8) To trespass within a refuge.

9) To hunt or trap on any Department-owned or -managed land that is not open to hunting or trapping pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 670, 690, 710, 730, and 740).

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 10) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Conservation hunting or trapping fees.
- 11) To hunt or trap without a valid permit where permits are required.
- 12) To enter a refuge or restricted area to retrieve wounded game unless accompanied by a duly authorized representative of the Department or other duly commissioned officer.

d) Specific Management Procedures

- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
- 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).

- 3) At sites where windshield permits are issued, such permits must be displayed in a visible location in the windshield of the vehicle while hunting.

- e) For all those species to which a daily and/or possession limit shall apply, each hunter shall maintain his bag of said species separate and distinct from those of all other hunters.

- f) Only shotgun or bow and arrow shall be used unless otherwise specified.

- g) If hunter or trapper quotas are necessary at any site, the quotas will be determined at the discretion of the Department and posted at the site unless the public is notified by news release that the quota will be filled by drawing on special permit. Hunter and trapper quotas are determined by the formula 1 hunter or trapper per 10-40 acres. Acres are determined by but not limited to the biological studies on the number of the species available, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site. All quotas are filled on a first-come, first-served basis unless the public is notified by public news release that the quota will be filled by a drawing or special permit. The Department shall use a special permit or drawing quota system whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- h) Hunters are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while hunting cock pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock. Trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange during the upland game season on sites where upland game hunting is in progress.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

- 2) CODE CITATION: 17 Ill. Adm. Code 550

- 3) SECTION NUMBERS: PROPOSED ACTION:

550.30

Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29).

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to furbearer hunting regulations are necessary to maintain and manage healthy populations of furbearers.

The proposed changes include expanding/modifying/decreasing hunting programs at State-owned or -managed sites as recommended following evaluation of site specific resources and deletion of requirements covered under Part 510 - General Hunting and Trapping on Department-Owned or -Managed Sites.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE AND
WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10

Statewide Regulations

550.20

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and
Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or
-Managed Sites

550.30

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29).

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendments at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites.

- a) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where permits are required a drawing will be held prior to the opening of the season. The date of the drawing will be announced by the Department by news release and the drawing will be held at the site. The number of permits per site will be determined pursuant to 17 Ill. Adm. Code 510.20. For those sites which require a harvest report to be submitted following the close of hunting season, failure to report will result in the hunter being ineligible to hunt at that site for the following year.
- c) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Anderson Lake Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; all hunting to begin after the close of regular waterfowl season; .22 rimfire firearms may be used from sunset to sunrise)

Argyle Lake State Park (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Big Bend Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Big River State Forest (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Carlyle Lake Wildlife Management Area (Waterfowl Management Area is closed during the waterfowl season; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Clinton Lake State Recreation Area (night hunters must obtain a permit; .22 rimfire firearms may be used from sunset to sunrise only; no woodchuck hunting; coyote and striped skunk season shall coincide with statewide fox season)

Crawford County Conservation Area (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Eldon Hazlet State Park north of Allen Branch and west of Peppenhorst Branch (no woodchuck hunting; coyote and striped skunk season shall coincide with statewide fox season)

Fort de Chartres Historic Site (raccoon and opossum hunting only; hunting with muzzle-loading firearms only; shotguns with a minimum barrel length of 26 inches using black-powder fired by percussion cap or flint type ignition with lead-shot except .22-rimfire firearms permitted from sunset to sunrise)

Green River State Wildlife Area (Lee County Conservation Area) (permit required; raccoon, fox and coyote hunting only; raccoon and fox season January 1 through the end of the statewide season;

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

coyote season January 1 - February 28; .22 rimfire firearms permitted)

I-24 Wildlife Management Area

Iroquois County Conservation Area (sunset to sunrise only; permitted after the close of permit pheasant hunting season; raccoon and opossum only may be hunted; permit required; .22 rimfire firearms may be used ~~from sunset to sunrise~~)

Kankakee River State Park (raccoon and opossum hunting; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit required ~~and must be displayed in a visible location inside windshield of vehicle while hunting~~; permit valid for designated night(s) only; person issued permit must be present to hunt or permit is void; permittee may take up to three hunting partners along; permit valid from sunset on designated date to sunrise the following day; hunters must report harvest to site superintendent by December 31; hunting is allowed only from statewide opening to sunrise on Thursday prior to second firearm deer season, except as noted in Section 550.10(a); fox and coyote hunting - hunting allowed only from the day after the permit pheasant season closes through January 31; hunting hours are 4:00 a.m. to 8:00 p.m.; hunters must check out and report harvest prior to leaving site; hunters must obtain free season permits from site office prior to hunting)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during ~~waterfowl~~ duck season; .22 rimfire firearms permitted from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Kickapoo State Park (raccoon and opossum hunting only; hunting hours sunset to sunrise only; .22 rimfire firearms may be used from sunset to sunrise; permit required, obtain from site office; permit must be returned and harvest reported by February 15)

Lake Kinkaid Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (night hunters must obtain a permit; .22 rimfire firearms may be used for taking raccoon, striped skunk, and opossum from sunset to sunrise only; no woodchuck hunting; coyote and striped skunk season to coincide with statewide fox season)

Little Black Slough State Natural Area (coyote and striped skunk season to coincide with statewide fox season)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Lower Cache River State Natural Area (coyote and striped skunk season shall coincide with the statewide fox season)

Marseilles Conservation Area (no night hunting; fox and coyote hunting only; fox season January 1 - state closing; coyote January 1 - February 28; .22 rimfire firearms permitted)

Marshall State Fish and Wildlife Area (raccoon and opossum only may be hunted; .22 rimfire firearms may be used from sunset to sunrise)

Middlefork Fish and Wildlife Area (raccoon and opossum hunting only; hunting hours sunset to sunrise only; .22 rimfire firearms may be used ~~from sunset to sunrise~~; permit required, obtain from site office; permit must be returned and harvest reported by February 15)

Mississippi River Pools 16, 17, 18 (hunting not permitted in developed areas; .22 rimfire firearms permitted)

Mississippi River Pools 21, 22, 24, 25, 26 (.22 rimfire firearms permitted; hunting not permitted within 300 ft. of any legal waterfowl blind or in developed areas during waterfowl season)

Panther Creek Conservaton Area (.22 rimfire firearms permitted; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Pike County Conservation Area (all hunting closes November 30 in Area A)

Ramsey Lake State Park (~~raccoon and opossum hunting season dates shall coincide with trapping season~~; permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Randolph County Conservation Area (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Rend Lake Wildlife Management Area

Saline County Conservation Area (hunting north of the township road only; coyote and striped skunk season to coincide with the statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Sand Ridge State Forest (permit required; raccoon and opossum season dates shall coincide with trapping season; coyote and striped

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

skunk season shall coincide with statewide fox season; .22 rimfire firearms permitted)

Sanganois Conservation Area (hunting prohibited within 300 ft. of legal blinds or developed areas; .22 rimfire firearms may be used from sunset to sunrise)

Shawnee National Forest, LaRue Scatters (season closes 3 days before opening of waterfowl season and remains closed through the waterfowl season; hunting hours are sunrise - noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of the Big Muddy Levee, season closes 3 days before opening of waterfowl season and remains closed through the waterfowl season; hunting hours are sunrise - noon; steel shot only)

Silver Springs State Park (fox and coyote hunting only; season opens the day after pheasant season closes; hunting hours are 4:00 a.m. to 8:00 p.m. through January 31; coyote season closes February 28/March 1; hunters must check in and check out and report harvest prior to leaving site)

Stephen A. Forbes State Park (raccoon and opossum season dates shall coincide with trapping season permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Tapley Woods State Natural Area (muzzle-loading rifles and .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Trail of Tears State Forest (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Turkey Bluffs Fish and Wildlife Area (.22 rimfire firearms may be used from sunset to sunrise; permit required; coyote and striped skunk season shall coincide with the statewide fox season; no woodchuck hunting)

Walnut Point Fish and Wildlife Area (raccoon hunting only; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit required; hunters must report harvest to the site superintendent by December 31; hunting allowed November 25 to sunrise on the Thursday prior to the second firearm deer season)

Washington County Conservation Area (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Weinburg King State Park (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Wildcat Hollow State Park (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Woodford County Conservation Area (raccoon and opossum hunting only; hunters must register, season opens after waterfowl season closes; .22 rimfire firearms may be used from sunset to sunrise only)

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions noted in parentheses). In addition, hunters must obtain a permit from respective site office. Permits must be in possession while hunting. - A windshield card provided with each permit must be displayed in hunter's vehicle windshield while hunting with the permit number visible. The permit must be returned and harvest reported by February 15. Coyote and skunk season shall coincide with statewide fox season. No woodchuck hunting is permitted.

Clinton Lake (.22 rimfire arms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Eagle Creek State Park (no night hunting)

Fox Ridge State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Hidden Springs State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Lake Shelbyville Eagle Creek Wildlife Management Area (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS2) Code Citation: 89 Ill. Adm. Code 1203) Section Numbers:Proposed Action:

120.70

Amendment

120.72

New Section

120.74

New Section

120.76

New Section

120.382

Amendment

4) Statutory Authority: Sections 5-2 and 5-5 et seq. of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2 and 5-5 et seq.)5) A Complete Description of the Subjects and Issues Involved: This rulemaking codifies those provisions of the Medicare Catastrophic Coverage Act of 1988 which require the State to pay Medicare premiums on behalf of eligible persons.6) Will these proposed amendments replace emergency amendments currently in effect? No7) Does this rulemaking contain an automatic repeal date?

Yes

X No

8) Does these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? YesSection Numbers Proposed Action Illinois Register Citation

120.1

New Section

December 16, 1988

(12 Ill. Reg. 20705)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of Counseling and Litigation, Illinois

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Department of Public Aid, 100 South Grand Ave. East, Third Floor, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:A) Date amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 1, 1989B) Types of small businesses affected: Medical ProvidersC) Reporting, bookkeeping or other procedures required for compliance: NoneD) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART B: ASSISTANCE STANDARDS

Section	
120.10	Eligibility For Medical Assistance
120.11	Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.20	MANG(AABD) Income Standard
120.30	MANG(C) Income Standard
120.31	MANG(P) Income Standard
120.40	Exceptions To Use Of MANG Income Standard
120.50	AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section	
120.60	All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.61	Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C)
120.62	Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63	Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64	Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY-MEDICAL-INSURANCE MEDICARE PREMIUMS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB)
120.72	Buy-In-Program
120.74	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.76	Qualified Medicare Beneficiary (QMB) Income Standard
120.76	Hospital Insurance Benefits (HIB)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program
120.91	Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.208	Client Cooperation
120.210	Citizenship
120.211	Residence
120.212	Age
120.215	Relationship
120.216	Living Arrangement
120.217	Supplemental Payments
120.218	Institutional Status
120.224	Foster Care Program
120.225	Social Security Numbers
120.230	Unearned Income
120.235	Exempt Unearned Income
120.236	Education Benefits
120.240	Unearned Income In-Kind
120.245	Earmarked Income
120.250	Lump Sum Payments and Income Tax Refunds
120.255	Protected Income
120.260	Earned Income
120.261	Budgeting Earned Income
120.262	Exempt Earned Income
120.270	Recognized Employment Expenses
120.271	Income From Work/Study/Training Program
120.272	Earned Income From Self-Employment
120.273	Earned Income From Roomer and Boarder
120.275	Earned Income In-Kind
120.276	Payments from the Illinois Department of Children and Family Services
120.280	Assets
120.281	Exempt Assets
120.282	Asset Disregards
120.283	Deferral of Consideration of Assets
120.285	Property Transfers

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
120.290 Persons Who May Be Included in the Assistance Unit
120.295 Payment Levels for AMI

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
120.313 Blind
120.314 Disabled
120.315 Relationship
120.316 Living Arrangements
120.317 Supplemental Payments
120.318 Institutional Status
120.319 Assignment of Rights to Medical Support and Collection of Payment
120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324 Foster Care Program
120.325 Social Security Numbers
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income In-Kind
120.342 Court Ordered Child Support Payments of Parent/Step-Parent
120.345 Earmarked Income
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income
120.361 Budgeting Earned Income
120.362 Exempt Earned Income
120.364 Earned Income Exemption
120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income In Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.380 Assets
120.381 Exempt Assets
120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.385 Property Transfers
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 3033, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART D: SUPPLEMENTARY-MEDICAID-INSURANCE MEDICARE PREMIUMSSection 120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program

- a) The Department shall pay the premium for Supplementary Medical Insurance benefits (SMIB)- (Part B of Medicare) for specified clients in accordance with the buy-in agreement with the Social Security Administration (SSA) and the Medicare Catastrophic Coverage Act of 1988. This includes clients who would not be eligible for individual enrollment because of failure to pay premiums or previous failure to enroll during prescribed periods. It may also include individuals not eligible for Hospital Insurance Benefits (HIB)- (Part A of Medicare) because of insufficient quarters of coverage. Individuals may have enrolled in SMIB themselves or may be automatically enrolled by the Department.

b) Eligible Individuals

Individuals who are eligible for SMIB shall be added to the buy-in coverage group for the first month in which they are eligible for both SMIB enrollment and public assistance. Recipients shall be continued in the buy-in coverage group while in \$0 grant status, but shall be deleted from the group for any month in which assistance is discontinued. The Department shall pay the SMIB premium for the following individuals:

- A) Individuals who receive financial assistance (including zero grant) under the AABD or AFDC program;
- B) Individuals who, except for the Social Security benefit increase of 1972, would still be eligible to receive cash assistance as an aged, blind or disabled person and who are eligible for both SMIB and the Department's Medicaid program;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program (cont'd.)

- C) Individuals with Supplemental Security Income (SSI) income who receive full Medicaid benefits under the AABD program; and
- D) Qualified Medicare Beneficiaries (QMB)s (see Section 120.72).

- 2) Individuals who qualify under (b)(1)(A) thru (b)(1)(C) above may include individuals not eligible for Part A of Medicare because of insufficient quarters of coverage. Individuals who qualify under (b)(1)(A) thru (b)(1)(D) may include persons who would not be eligible for individual SMIB enrollment because of failure to pay premiums or previous failure to enroll during prescribed periods.

c) HANG-(AABD)

- 1) The Department shall assume the SMIB premium payments for individuals who have enrolled themselves or have been automatically enrolled by SSA prior to receipt of public assistance. The Department shall assume the premium for individuals who are automatically enrolled by the SSA while they are receiving assistance.

- 2) Individuals receiving SSI benefits or State Supplemental Payments (SSP) who are eligible for Medicare and for the Department's Medicaid program and individuals who, except for the Social Security benefit increase of 1972, would still be eligible to receive cash assistance as an aged, blind or disabled person and who are eligible for both Medicare and the Department's Medicaid program are eligible for SMIB buy-in.

- 1) Individuals who qualify under (b)(1)(A), (b)(1)(B) or (b)(1)(C) shall be added to the SMIB Buy-in Program for the first month in which they are eligible for both SMIB enrollment and public assistance. Recipients shall remain in the Buy-in Program while in \$0 grant status and for any month in which they qualify under (b)(1)(A) thru (b)(1)(D) above.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.70

Supplementary Medical Insurance Benefits
(SMIB) Buy-In Program (cont'd.)

- 2) Individuals who qualify under (b)(1)(D) shall be added to the SMIB Buy-In Program for the first month following the month in which they are determined eligible for QMB status. Recipients shall remain in the SMIB Buy-In Program for any month in which they qualify under (b)(1)(A) thru (b)(1)(D) above.

d) AFDE

~~Individuals who are eligible for Medicare are eligible for SMIB buy-in.~~

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 120.72

Eligibility for Medicare Cost Sharing as a
Qualified Medicare Beneficiary (QMB)

- a) Eligibility for Medicare cost sharing exists for Qualified Medicare Beneficiaries (QMB)s. A QMB is an individual who:

- 1) is a beneficiary of Medicare Part A (i.e. Hospital Insurance);
- 2) meets the general non-financial factors of eligibility for the Medicaid Program (see Sections 120.310, 120.311, 120.319 and 120.325);
- 3) has countable monthly income which does not exceed the QMB income standard (see Section 120.74); and
- 4) has countable assets which do not exceed the QMB asset disregard (see Section 120.382(d)).

- b) QMBs may be eligible for the full range of Medicaid services only if they meet all eligibility requirements for Medicaid.

- c) Eligibility for Medicare cost sharing is effective the first day of the month following the QMB eligibility determination.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.72

Eligibility for Medicare Cost Sharing as a
Qualified Medicare Beneficiary (QMB)
(Cont'd.)

- d) QMBs are eligible for Medicaid payment of Medicare cost sharing expenses (i.e., Part A and Part B premiums, deductibles and coinsurance) in accordance with Sections 120.70, 120.76 and 89 Ill. Adm. Code 140.21.
- e) Eligibility for QMB status will be redetermined at least every twelve (12) months.

(Source: Added at 13 Ill. Reg. _____, Effective _____)

Section 120.74

Qualified Medicare Beneficiary (QMB) Income
Standard

- a) The QMB income standard below is equal to 80% of the 1983 Federal Poverty Level Income Guidelines for the size of the household. If the household's countable monthly income exceeds the QMB income standard, eligibility for QMB status does not exist.

Number in Family	Countable Monthly Income	Number in Family	Countable Monthly Income
1	\$481	5	\$1134
2	644	6	1297
3	807	7	1461
4	971	8	1624

- b) When the number in the household unit exceeds the number provided above, add \$163 for each additional person.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 120.76

Hospital Insurance Benefits (HIB)

- a) The Department shall pay the Hospital Insurance Benefit (HIB) (Part A of Medicare) premium for Qualified Medicare Beneficiaries (QMB)s in accordance with the Medicare Catastrophic Coverage Act of 1988 (see Section 120.72). Payments will be made in behalf

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.76 Hospital Insurance Benefits (HIB) (Cont'd.)

of QMBs who have individually enrolled for HIB with the Social Security Administration and who are charged a HIB premium.

- b) The Department will pay the HIB premium beginning the month following the month of the QMB eligibility determination. Payment will continue as long as the individual retains QMB status.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 120.382 Asset Disregard

In addition to the exempt assets listed in Section 120.381, the cash value of assets shall be disregarded as follows:

a) MANG (AABD)

- 1) \$2,000.00 for a client and \$3,000.00 for a client and one dependent residing together.
- 2) \$50.00 for each additional dependent residing in the same household.
- 3) Eligibility for MANG does not exist when non-exempt assets exceed the above disregard.

b) MANG(C)

- 1) \$2,000.00 for a one person assistance unit and \$3,000.00 for a two-person assistance unit.
- 2) \$50.00 for each additional member of the assistance unit.

- c) MANG(P) -- \$5000 regardless of the family size.

d) Qualified Medicare Beneficiary (QMB)

- 1) \$4,000 for a single person and \$6,000 for a person with one or more dependents.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.382 Asset Disregard (cont'd.)

- 2) Eligibility for QMB status does not exist when countable assets exceed the above disregard.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Proposed Action:
140.21 New Section
- 4) Statutory Authority: Sections 5-5 et seq. of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets out requirements for providers seeking reimbursement for services rendered to Qualified Medicare Beneficiaries (QMB's).
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.16	Amendment	March 10, 1989 (13 Ill. Reg. 2937)
140.17	Amendment	March 10, 1989 (13 Ill. Reg. 2937)
140.19	Amendment	August 12, 1988 (12 Ill. Reg. 12976)
140.20	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.43	New Section	December 2, 1988 (12 Ill. Reg. 19868)
140.110	New Section	July 15, 1988 (12 Ill. Reg. 11701)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
140.390	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.392	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.394	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.400	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.435	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.436	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.440	Amendment	December 30, 1988 (12 Ill. Reg. 22329)
140.525	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.526	Amendment	February 3, 1989 (13 Ill. Reg. 1420)
140.642	Amendment	November 28, 1988 (12 Ill. Reg. 19613)
140.896	New Section	July 15, 1988 (12 Ill. Reg. 11701)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217) 782-1233. The department will

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 2, 1989
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1
140.2
140.3

Incorporation By Reference
Medical Assistance Programs
Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)

140.4

140.5
140.6
140.7

Covered Medical Services Under GA and AMI
Medical Services Not Covered
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year

140.8

140.9

Medical Assistance For Qualified Severely Impaired Individuals
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy

140.10

Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section

140.11
140.12
140.13
140.14
140.15
140.16
140.17

Enrollment Conditions for Medical Providers
Participation Requirements for Medical Providers
Definitions
Denial of Application to Participate in the Medical Assistance Program
Recovery of Money
Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section	
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.71	Drug Manual (Recodified)
140.72	Drug Manual (Recodified)
140.73	Drug Manual Update (Recodified)

SUBPART C: HOSPITAL SERVICES

Section	
140.94	Hospital Services
140.95	Participation
140.96	General Requirements
140.97	Special Requirements
140.98	Covered Hospital Services
140.99	Hospital Services Not Covered
140.100	Limitation On Hospital Services
140.101	Transplants
140.102	Heart Transplants
140.103	Liver Transplants
140.104	Bone Marrow Transplants
140.110	Disproportionate Share Hospital Adjustments (Emergency Expired)
140.116	Payment for Inpatient Services for GA
140.117	Hospital Outpatient and Clinic Services
140.200	Payment for Hospital Services During Fiscal Year 1982
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983
140.203	Limits on Length of Stay by Diagnosis

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section	
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting
140.350	Copayments
140.360	Payment Methodology
140.361	Non-Participating Hospitals
140.362	Pre July 1, 1989 Services
140.363	Post June 30, 1989 Services
140.364	Prepayment Review
140.365	Base Year Costs
140.366	Restructuring Adjustment
140.367	Inflation Adjustment
140.368	Volume Adjustment (Repealed)
140.369	Groupings
140.370	Rate Calculation
140.371	Payment
140.372	Review Procedure
140.373	Utilization (Repealed)
140.374	Alternatives
140.375	Exemptions
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services
140.391	Definitions
140.392	Types of Subacute Alcoholism and Substance Abuse Services
140.394	Payment for Subacute Alcoholism and Substance Abuse Services
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services
140.398	Hearings

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section	
140.422	Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Acquisition Cost
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.460	Clinic Services
140.461	Clinic Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section	
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medichek Services
140.486	Limitations on Medichek Services
140.487	Payment on Medichek Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services

SUBPART E: GROUP CARE

Section	
140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.526	Quality Incentive Survey
140.527	Payment of Quality Incentive
140.528	Reviews
140.529	Basis of Payment for Group Care Services
140.530	General Service Costs
140.531	Health Care Costs
140.532	General Administration Costs
140.533	Ownership Costs
140.534	Costs for Interest, Taxes and Rent
140.535	Organization and Pre-Operating Costs
140.536	Payments to Related Organizations
140.537	Special Costs
140.538	Nurse's Aide Training
140.539	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.540	Salaries Paid to Owners or Related Parties
140.541	Cost Reports-Filing Requirements
140.542	Time Standards for Filing Cost Reports
140.543	Access to Cost Reports
140.544	Penalty for Failure to File Cost Reports
140.545	Update of Operating Costs
140.550	General Service Costs
140.551	Nursing and Program Costs
140.552	General Administrative Costs
140.553	Component Inflation Index
140.554	Minimum Wage
140.555	Components of the Base Rate Determination
140.560	Support Costs Components
140.561	Nursing Costs
140.562	Capital Costs
140.563	Incentive Payments for Quality Care
140.565	Level I Incentive Payments
140.566	Level II Incentive Payments
140.567	Duration of Incentive Payments
140.568	Clients With Exceptional Nursing Care Needs
140.569	Capital Rate Component Determination
140.570	Fair Rental Value (FRV) Calculation
140.571	Total Capital Rate
140.572	Other Capital Provisions
140.573	Capital Costs for Rented Facilities
140.574	Newly Constructed Facilities (Repealed)
140.575	Renovations (Repealed)
140.576	Capital Costs for Rented Facilities (Renumbered)
140.577	Property Taxes
140.578	Specialized Living Centers
140.579	

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section	Mandated Capital Improvements
140.580	Qualifying as Mandated Capital Improvement
140.581	Cost Adjustments
140.582	Campus Facilities
140.583	Illinois Municipal Retirement Fund (IMRF)
140.584	Audit and Record Requirements
140.590	Pre-Screening Assessment
140.642	In-Home Care Program
140.643	Medical and In-Home Care For Disabled Persons Under Age 21
140.645	Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
140.646	Description of Developmental Training Service Levels
140.647	Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.648	Effective Dates of Reimbursement for Day Programs
140.649	Certification of Day Programs
140.650	Decertification of Day Programs
140.651	Terms of Assurances and Contracts
140.652	Effective Date of Payment Rate
140.680	Discharge of Long Term Care Residents
140.700	Appeals of Rate Determinations
140.830	Determination of Cap on Payments for Long Term Care
140.835	

SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND
SNF/PED FACILITIES

Section	Facility/Client Participation
140.850	Evaluation of Need for Care
140.855	Payment
140.860	Definitions
140.865	Guidelines
140.870	Intermediate Care (ICF)
140.875	Skilled Care (SNF/PED)
140.880	Statewide Rates
140.885	Reimbursement for ICF/MR-15 and Under Facilities
140.890	Night Shift Reimbursement
140.895	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Emergency Expired)
140.896	

NOTICE OF PROPOSED AMENDMENT

SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section	
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
TABLE A	Medicheck Recommended Screening Procedures
TABLE B	Health Service Areas

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section	
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Staff Time and Allocation by Need Level (Recodified)
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; peremptory at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I reclassified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 reclassified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 140.21 Covered Medicaid Services for Qualified
Medicare Beneficiaries (QMBs)

- a) In order to be qualified to receive reimbursement for services provided to QMB eligible clients, providers must be enrolled in the Medicaid Program. Providers must also accept assignment of Medicare benefits for QMB recipients, when payment for services to such persons is sought from the Department.
- b) For Medicaid covered services, the Department will reimburse qualified providers who render services to QMBs in accordance with Department standards for the service(s) provided. For non-Medicaid covered services, the Department will reimburse qualified providers who render services to QMBs at the full deductible and coinsurance rate.

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Total Life Planning Program
- 2) Code Citation: 89 Ill. Adm. Code 895
- 3) Section Numbers:

	<u>Proposed Action:</u>
895.10	New Section
895.20	New Section
895.30	New Section
895.40	New Section
895.50	New Section
895.60	New Section
895.70	New Section
- 4) Statutory Authority: Implementing and authorized by Section 3(b) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat 1987, ch. 23, pars 3434(b)).
- 5) A Complete Description of the Subjects and Issues involved:
This rulemaking proposes a program of services for deaf-blind persons to assist them in maximizing their independence. The program consists of evaluating an individual's abilities and needs, developing the individual's goals and a plan for meeting those goals, and referring the individual to the appropriate agencies for the services identified in his/her plan.
- 6) Will this proposed rule replace an emergency rule currently in effect? Yes ☐ No ☒
- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No ☒
- 9) Are there any other amendments pending on this Part? This part was originally proposed in 12 Ill. Reg. 6005, April 1, 1988 but cannot be heard by the Joint Committee on Administrative Rules before the 365th day lapses. Therefore the Department is allowing this first proposal to lapse and is re-proposing these rules which are substantively the same, the only changes made being those recommended by the Administrative Code Division, and a minor change in wording to the purpose section of the rule, in response to public comment.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
------------------------	------------------------	-----------------------------------

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

- 10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All persons who submit a written request to comment within fourteen (14) days after this notice has been published shall be given a reasonable opportunity to submit data, views, argument or comments about this rulemaking. All such submissions shall be made within forty-five (45) days after this notice has been published. Any comments submitted within forty-five (45) days after this notice has been published will be considered by the Department. All requests and comments should be submitted in writing to:
- Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
- Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734
- If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.
- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not effect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 895
TOTAL LIFE PLANNING PROGRAM

Section
895.10 Definitions
895.20 General Provisions
895.30 Application
895.40 Eligibility
895.50 Service Program
895.60 Annual Review
895.70 Closure

AUTHORITY: Implementing and authorized by Section 3(b) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434(b)).

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

Section 895.10 Definitions

"Client" means an individual, or the parent of a minor, or legal guardian of an individual who has been referred to, applied for, or is receiving TLP services.

"TLP" means total life planning.

Section 895.20 General Provisions

a) Purpose

The purpose of the TLP Program is to further the community integration, productivity, and independence of people who are deaf-blind. The TLP Program provides deaf-blind clients with assistance in achieving the goal of maximum functioning in life management activities by evaluating clients' needs and assisting the clients in obtaining the resources necessary to meet those needs.

b) Client Responsibilities

Clients are expected to cooperate with the TLP staff in:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 1) determining eligibility,
- 2) meeting the responsibilities specified in the clients' TLP Service Programs,
- 3) keeping appointments,
- 4) carrying out medical and other professional instructions, and
- 5) completing annual TLP reviews.

c) Client Rights

Clients have the right to:

- 1) terminate TLP services at any time,
- 2) apply for TLP services at any time,
- 3) discuss any problem or complaint about their TLP Programs at any time, and
- 4) appeal, as set forth in 89 Ill. Adm. Code 510 (Appeals), any decision concerning eligibility, service provision, or closure.

d) Confidentiality

TLP clients' records are confidential and subject to the rules contained in 89 Ill. Adm. Code 505 (Confidentiality of Information).

e) Documentation of Guardianship

TLP staff will request a copy of proof of legal guardianship of a client. The copy will be kept in the client's case file.

f) Non-Discrimination Compliance

In compliance with the Illinois Human Rights Act (Ill. Rev. Stat. 1985, ch. 68, pars. 1-101 et. seq.), the Illinois Constitution, the U.S. Civil Rights Act of 1964 (42 U.S.C. 2000d et seq. 1983), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance, (34 CFR 104), and the U.S. Constitution, the TLP Program will not discriminate in admission or access to, or treatment or employment in, TLP programs of service.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

Section 895.30 Application

The TLP Program requires that an application for services be signed by the client before a determination of eligibility for TLP services begins.

Section 895.40 Eligibility

a) To be eligible for TLP services, a client must have:

- 1) documented visual and hearing impairments which significantly limit or will significantly limit in the future two or more of the following:

- A) education,
- B) mobility,
- C) communication,
- D) self-care,
- E) self-direction,
- F) social and vocational planning, and
- G) recreation (leisure activity).

- 2) the need for, and potential to benefit from, TLP services.

b) Eligibility will be determined by a needs assessment of the client's:

- 1) medical condition and treatment,
- 2) communication skills,
- 3) socialization/behavior skills,
- 4) academic skills,
- 5) vocational/employment skills,
- 6) mobility skills,
- 7) daily living skills,
- 8) leisure/recreational skills, and
- 9) ability to obtain and utilize services from other public and private agencies.

Section 895.50 Service Program

a) Based upon the client's needs assessment described in Section 895.40(b), the TLP staff and client will develop a TLP Service Program. The Program shall:

- 1) outline the objectives developed to make the client more independent,

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 2) contain activities needed to meet those objectives,
- 3) identify the person or agency responsible for providing the activity, and
- 4) establish time frames for completion of each activity.

- b) Each Program shall include client comments and must be signed by the client.

Section 895.60 Annual Review

An annual review of the client's TLP Service Program will be done to evaluate the client's progress and to determine what changes to the Program should be made.

Section 895.70 Closure

TLP cases will be closed when:

- a) the client dies,
- b) the client requests in writing that the case be closed, or
- c) the client moves out of state.

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: General Rules, Definitions

- 2) Code Citation: 92 Ill. Adm. Code 1000

- 3)

<u>Section Number</u>	<u>Proposed Action</u>
1000.10	Amendment
1000.20	Amendment
1000.50	Amendment
1000.60	Amendment
1000.70	New Section
1000.80	Amendment
1000.120	Amendment

- 4) Statutory Authority: Implementing Section 11-101, Chapter 2 and Section 3-402(B)(7) of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 1-101, 2-101 et seq. and 3-402(B)(7) and authorized by Section 2-104(b) of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b))

- 5) A Complete Description of the Subjects and Issues Involved:

The purpose of this amendatory rulemaking is to change the existing rules to reflect organizational changes in the Secretary of State's Office since the rules were first adopted (e.g., Section 1000.10, 1000.60, and 1000.80). The amendments also conform the writing to the realities of administrative various parts of these rules (e.g., Section 1000.50). The new language in Section 1000.70 codifies the merit hearing procedures used for the Department of Police. They have been in effect since January, 1981, pursuant to the Secretary of State's Merit Code (Ill. Rev. Stat. 1987, ch. 124, par. 101 et seq.) and the Secretary of State's Personnel rules at 80 Ill. Adm. Code 420. This rulemaking deletes Section 1000.120, pertaining to audit costs. Such costs are now governed by 92 Ill. Adm. Code 1003. A cross reference provision is inserted in Section 1000.120.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference?
No

- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1000.41	New Section	12 Ill. Reg. 17269

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives:

This rulemaking does not affect local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Philip S. Howe
Counsel to the Secretary
Office of the Secretary of State
298 Centennial Building
Springfield, Illinois 62706
(217)785-3094

12) Initial Regulatory Flexibility Analysis:

- A) Date rules were submitted to the Small Business Assistance Office of the Department of Commerce and Community Affairs:

This rulemaking does not affect small businesses, and the rules were not submitted to DCCA.

- B) Types of small businesses affected: None

- C) Reporting, bookkeeping or other procedures required for compliance: N/A

- D) Types of professional skills necessary for compliance: N/A

The full text of the proposed amendments is as follows:

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1000

GENERAL RULES, DEFINITIONS

Section	Definitions
1000.10	Appointment of Subordinates
1000.20	Reciprocity, Prorate and Forced Registration Review Board (Repealed)
1000.30	Offices of the Secretary of State
1000.40	Forms
1000.50	Certification of Copies of Records
1000.60	Investigators-(Repealed) Department of Police
1000.70	Enforcement of the Illinois Vehicle Code
1000.80	Hearings (Repealed)
1000.90	Audits and Collections (Repealed)
1000.110	Audit Costs
1000.120	

AUTHORITY: Implementing Section 11-101, Chapter 2 and Section 3-402(B)(7) of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 1-101, 2-101 et seq. and 3-402(B)(7) and authorized by Section 2-104(b) of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed and effective December 15, 1970, amended at 6 Ill. Reg. 2239, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 7152, effective May 28, 1982 for a maximum of 150 days; amended at 6 Ill. Reg. 11067, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 6 Ill. Reg. 15040, effective December 1, 1982; amended at 7 Ill. Reg. 13677, effective October 14, 1982; amended at 8 Ill. Reg. 5353, effective April 5, 1984; amended at 9 Ill. Reg. 2326, effective February 1, 1985; amended at _____ Ill. Reg. _____, effective _____.

Section 1000.10 Definitions

- a) The definitions set forth in the Illinois Vehicle Code (I.V.C.) (Ill. Rev. Stat. 1987, ch. 95 1/2, ch. 1) shall govern words and phrases in this Part and all parts within Title 92, Chapter II of the Illinois Administrative Code, unless the context clearly requires otherwise.
- b) The definitions in ~~Section-i-101~~ Chapter 1 of the I.V.C. shall apply generally, and such other definitions appearing elsewhere in the I.V.C. shall apply specifically to the Chapter or Article or Section thereof affected.

NOTICE OF PROPOSED AMENDMENTS

- c) The word abbreviation "I.V.C." shall mean the Illinois Vehicle Code, as amended (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-100 et seq.).

- 3) "Secretary" shall mean the Secretary of State of Illinois.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1000.20 Appointment of Subordinates

- a) The Secretary of State shall appoint an Deputy Secretary of State, Assistant Secretary of State, an Executive Assistant to the Secretary, Administrative Assistants, and Consultants, and, as necessary, such other subordinate officers, assistants, hearing officers, examiners, technical advisors, clerks a General Counsel, Directors and Chief Deputy Directors for the departments established by the Secretary, and other employees as may be necessary in his discretion to best carry out to administer the provisions of the I.V.C.

- b) The Secretary may further contract with specialists for special duties or assignments persons as necessary.

- c) Subordinate officers, assistants, and employees and contractual employees of the Office of the Secretary of State shall be subject to the Illinois Vehicle Code of Conduct for this officer, the Secretary of State's Merit Code (Ill. Rev. Stat. 1987, ch. 124, par. 101 to 119), and the Secretary of State's Policy Manual. Contractors shall be subject to the Secretary of State's Policy Manual.

- 3) The departments established by the Secretary of State to administer the Illinois Vehicle Code pursuant to Sections 2-103, 2-104 and 2-115 of the I.V.C. (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-103, 2-104 and 2-115) are :

- 1) The Department of Driver Services
- 2) The Department of Vehicle Services
- 3) The Department of Accounting Revenue
- 4) The Department of Police
- 5) The Department of Senior Citizens and Human Resources
- 6) The Department of Administrative Hearings

NOTICE OF PROPOSED AMENDMENTS

- 7) The Department of Data Processing

The duties of these departments are set forth at 2 Ill. Adm. Code 550.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1000.50 Forms

- a) The Secretary of State shall prescribe, and print or purchase as necessary, all suitable forms and applications, certifications of title, registration cards, drivers licenses and permits and any and all other forms necessary to administer the I.V.C.

- b) Supplies of such forms shall be distributed as necessary to enable residents of the State of Illinois to comply with the I.V.C. and Rules and Regulations promulgated thereunder, shall be on file in the Index Department of the Office of the Secretary of State in the State Capitol, Springfield, Illinois and said forms shall thereupon be Title 92, Chapter II, Illinois Administrative Code. These forms are deemed to be part of these Rules and Regulations Chapter II of the Illinois Administrative Code.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1000.60 Certification of Copies of Records

Certified copies of Records of the Office of Secretary of State resulting from the administration of the I.V.C., shall be prepared in the Department of the Office of the Secretary of State having the original document or record, and the seal of the Secretary of State shall be affixed by him in his office in the State Capitol Building in Springfield the appropriate department or the Secretary, pursuant to the statute in such case made and provided law.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1000.70 Investigators Department of Police

- a) The investigators authorized pursuant to Section 2-115 of the I.V.C. shall be appointed by the Secretary and organized into the Department of Police.
- b) The Department of Police, which is headquartered in Springfield, Illinois, shall have District headquarters throughout Illinois to enable the Department to best distribute its supervisory responsibilities and work load.

NOTICE OF PROPOSED AMENDMENTS

c) The employees of the Department of Police shall be subject to the Secretary of State's Merit Code (Ill. Rev. Stat. 1987, ch. 124, par. 101 to 119) and the Department of Police's Policy Manual and standards of conduct.

d) Sworn personnel

- 1) Sworn personnel shall mean the peace officers within the Department of Police.
- 2) The grades of sworn personnel, from lowest to highest, shall be Investigator Trainee, Investigator, Investigator Sergeant, Investigator Lieutenant, and Investigator Commander. Position descriptions for these employees shall be established by the Department of Personnel in accordance with the Secretary of State's Merit Code (Ill. Rev. Stat. 1987, ch. 124, par. 10a et seq.) and 80 Ill. Adm. Code 420.210. Sworn personnel shall be selected according to the following procedures:

A) Application and Testing Procedures. Any applicant must complete or pass successfully each of the following application procedures before proceeding to the next procedure.

I) The filing the standard personnel form application.

II) A written entrance examination with a passing score of an A.

III) A physical ability test, consistent with the physical ability standards set forth by the Illinois Local Governmental Law Enforcement Officers Training Board for entrance to any of the Illinois certified basic police academies.

IV) Two oral interviews by a different panels of sworn officers of the Department in the grade of at least Investigator Sergeant.

V) A background investigation for any convictions, to verify the applicant's education record, and a credit check.

VI) A medical and a psychological examination.

B) A veterans preference in accordance with 80 Ill. Adm. Code 420.300(c) will be given to persons who are honorably discharged from any armed force of the United States or any State National Guard.

NOTICE OF PROPOSED AMENDMENTS

c) Each person newly hired into the Department shall start as an Investigator Trainee, with a 12 month training period. (80 Ill. Adm. Code 420.320) Upon successful completion of the training period, that person shall be appointed an Investigator, with a 3 month probationary period (80 Ill. Adm. Code 420.360).

D) Applicants may submit their applications for consideration whenever a vacancy occurs.

E) Every applicant must serve at least 24 months as a sworn officer in the Department of Police. Any person who during the first 24 months voluntarily resigns shall pay to the Secretary of State that portion of the training expenses expended which shall remain after subtracting from 24 months the number of months served in the Department of Police. All successful applicants shall sign an agreement to repay those expenses. Refusal or failure to sign this agreement shall be grounds for termination.

e) Miscellaneous provisions pertaining to the Department of Police

1) The Department of Police shall collect a storage fee from any person or entity owning a vehicle which is stored on Secretary of State property for any reason the sum of \$5.00 per day. Such fees shall be deposited in the Road Fund.

2) The Department of Police, to implement Section 3-308 of the I.V.C., shall operate inspection stations at various locations throughout Illinois as the workload of inspecting rebuilt and salvage vehicles requires.

3) The Department of Police shall promulgate a policy and procedure manual, which shall govern the internal operations of the Department of Police.

(Source: Old Section repealed at 9 Ill. Reg. 2326, new section amended at Ill. Reg. _____, effective _____)

Section 1000.80 Enforcement of the Illinois Vehicle Code

a) To assure full enforcement of the provisions of this Code regulating the operation of vehicles and the use of the highways of the State of Illinois, investigators of the Office of Secretary of State shall cooperate with the State Police, sheriffs and local police, and inspectors of investigators for the Illinois Commerce

NOTICE OF PROPOSED AMENDMENTS

Commission: The Secretary of State and the officers, inspectors, and investigators appointed by him, shall cooperate with the State Police and the sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of the highways.

- b) Investigators of this office the Department of Police shall report violations of Chapter 18 of the I.V.C. to the Illinois Commerce Commission (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18-100 et seq.)

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 1000.120 Audit Costs

a)---Where more than one applicant is audited on the same out-of-state trip, the transportation expenses shall be apportioned.---Where one of the applicants audited is assessed with a deficiency and another is not, the expenses shall still be apportioned between those applicants, yet the office of the Secretary of State shall assume the expenses of the audit as to the applicant without a deficiency.

b)---No charge shall be assessed for a trainee being trained on the job by an auditor, where the trainee does not contribute to the audit work product.

c)---For purposes of auditing an IRP (International Registration Plan) carrier, any amount of deficiency found for any member jurisdiction shall be considered due the State of Illinois, if Illinois is the base jurisdiction as defined in the IRP.

Audit costs shall be assessed as specified in 92 Ill. Adm. Code 1003.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: Proposed Action
1030.94 Amendment
Appendix A New Section
- 4) Statutory Authority:
Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Sections 6-116 and 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-116 and 6-118).
- 5) A Complete Description of the Subjects and Issues Involved:
This proposed rulemaking sets forth the questions asked of applicants on a driver's license application.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.
- 9) Are there any other amendments pending on this part? Yes.

Section Number	Proposed Section	Illinois Register Citation
1030.70	Amendment	12 Ill. Reg. 20768 (December 16, 1988)
1030.85	Amendment	13 Ill. Reg. 2395 (February 24, 1989)
1030.86	New Section	12 Ill. Reg. 17275 (October 28, 1988)
1030.88	Amendment	13 Ill. Reg. 2753 (March 3, 1989)

- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Nancy Easum
Deputy General Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the Proposed Rule begins on the next page:

PART 1030
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.15	Cite for Re-Examination
1030.20	Classification of Drivers - Reference
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Employer Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening with Vision Aid
	Arrangements Other than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Diplomatic and Consular Licenses
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
<u>Appendix A: Questions Asked of a Driver's License Applicant</u>	

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill.

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 1030.94 Duplicate or Corrected Driver's License or Instruction Permit

- a) For the purposes of this Section, the following definitions shall apply:

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Services Facility" - offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Instruction Permit" - driving permit issued pursuant to Section 6-105 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-105).

- b) A duplicate driver's license or instruction permit shall be issued by the Department in cases where a driver's license or instruction permit has been lost, stolen, or mutilated.
- c) Upon an applicant's request or the Department's determination that an error was made, a corrected driver's license or instruction permit shall be issued by the Department if a change of information is necessary on a driver's license or instruction permit which is being surrendered. The license or permit shall indicate that it has been corrected by the word corrected as the type of license.
- d) When there is no driver's license or instruction permit to be surrendered to the Department, the license or permit issued shall be a duplicate. This shall be indicated on the license or permit, by the word duplicate as the type of license.
- e) The applicant shall pay a fee in accordance with Section 6-118 of the Illinois Driver's Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118) for either a duplicate or corrected driver's license or instruction permit. For a six (6) month period after the issuance of a driver's license or permit, there shall be no fee charged to correct an error made by personnel at the Driver Services facility which made a corrected license or permit necessary.

There shall be no fee charged for a duplicate if the license or permit was lost by the Department. If a license or permit is lost by a state, local, or federal law enforcement agency or state or federal court there shall be no fee charged for a duplicate upon written notification from such agency or court.

- f) In order to obtain a duplicate or corrected license or permit, an application form provided by the Department as described in Section 6-106(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106(b)) shall be completed by a Driver Services facility employee, and the appropriate fee shall be paid, if required. The applicant shall answer the first two questions on the application as listed in Appendix A of this Part and the appropriate fee shall be paid, if required. After the form has been completed and the fee paid if required, the applicant shall have his/her photograph taken if necessary as provided in Section 1030.90 which concludes the process.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Appendix A: Questions Asked of a Driver's License Applicant

The following questions shall appear on an application for a driver's license:

- 1) Is your driver's license or privilege to obtain a license suspended, revoked, cancelled or refused in any State under this or any other name? (If yes, a Letter of Clearance is required.)
- 2) Is your driver's license being held by a court in lieu of bail?
- 3) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court orders and/or a physician's statement will be required.)
- 4) Do you have any condition which might cause a temporary loss of consciousness? (If yes, a physician's statement and medical agreement are required.)
- 5) Do you have any mental or physical condition which might interfere with safe driving? (If yes, a physician's statement is required and a medical agreement may be required.)
- 6) Do you use any drugs, including prescription medication, or alcohol to the extent that they impair your driving ability? (If yes, a physician's statement is required and a medical agreement may be required.)
- 7) Do you wear: Glasses _____ Telescopic Lenses _____
Contact Lenses: Left _____ Right _____

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Solicitation for Charitable Payroll Deductions
- 2) Code Citation: 80 Ill. Adm. Code 2650

3) Section Numbers: Adopted Action:

2650.1	New Section
2650.5	New Section
2650.10	New Section
2650.15	New Section
2650.20	New Section
2650.25	New Section
2650.30	New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, par. 63b109

- 5) Effective Date of Rule(s): March 6, 1989

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this rule contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: March 6, 1989

- 9) Notice of Proposal Published in Illinois Register:

April 15, 1988, 12 Ill. Reg. 6871

- 10) Has JCAR issued a Statement of Objections to these rules? Yes.

A) Statement of Objection: January 27, 1989, 13 Ill. Reg. 1256

B) Agency Response: March 17, 1989, 13 Ill. Reg. 3411

C) Date Agency Response Submitted for Approval to JCAR: March 6, 1989

- 11) Differences between proposal and final version:

Section 2650.1. "unless the context clearly requires otherwise" was deleted.

Section 2650.1. Definition of "Agency" was revised to read "Agencies, boards, commissions and other entities under the Governor. Agencies under other constitutional offices may participate on a voluntary basis".

Section 2650.1. Definition of "Chief Officer", the phrase "except institutes of higher education and their governing bodies" was added.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

Section 2650.1. Definition of "Employee", the phrase "except contractual, part-time, temporary or emergency employees or employees of institutions of higher education and their governing bodies" was added.

Section 2650.10(a), the words "a labor representative" were deleted and replaced with "a state employee labor organization". Also, the words "and the appointed SECA Chairperson for the current year" were added.

Section 2650.10(a)(1) was modified to read "Discussion and planning of the administration and conduct of the annual campaign."

Section 2650.10(a)(4). A new subsection (4) was added (with the present subsection (4) being changed to (5).

Section 2650.10(a)(5) was modified to read "Any other issues determined to be consistent with the functions of the committee."

Section 2650.10(b). In the first line, "selected" was changed to "appointed".

Section 2650.10(b), the words "or other agency employees" were added after the words "SECA coordinators".

Section 2650.10(b). In the fifth line, "executive" was added before coordinator; "annual" was added before campaign.

Section 2650.10(b). Two sentences were added before the last sentence in this subsection. "SECA coordinators will be permitted to request liaisons to assist where an agency has multiple worksites. SECA liaisons will be given time to meet with their coordinator for training."

Section 2650.10(c). "30 minutes" was changed to "1 hour".

Section 2650.15(b) was modified by adding the words "by the agency coordinator" at the end of the subsection.

Section 2650.15(d). Modified to read "employees shall be informed regarding any qualified participating organization as charitable alternatives;

Section 2650.15(e) was modified by adding the word "authorized" before "withholding" and by adding the words "as provided in Section 2650.20" to the end of the subsection..

Section 2650.15(f) was added.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

Section 2650.20, a new subsection (c) was added (with the present subsections (c) and (d) being changed to (d) and (e) respectively) to read as follows: "Qualify for direct withholding as provided in the Voluntary Payroll Deductions Act of 1983 (111, Rev. Stat. 1987, ch. 15, pars. 501 et seq.)."

Section 2650.20(a), the phrase "which are clearly defined and established beforehand" was deleted.

Section 2650.20(b), deleting the words "through the Office of the Attorney General, charitable Solicitation Division, whether that organization has complied with" and substituting in lieu thereof "that the charitable organization has filed required periodic reports with the Office of the Attorney General as provided in".

Section 2650.20(b), the words "and to verify if the organization's petition forms have been approved by the Office of the Comptroller" were added.

Section 2650.20(c), now (d), the phrase "does not meet the requirements of the" was deleted and "has not filed as a non-profit corporation with the" substituted in lieu thereof.

Section 2650.20(c), now (d), the words "or the Office of the Attorney General" were deleted.

Section 2650.25, added "for action as provided in this Part.

Section 2650.50, the entire section was deleted.

In response to recommendations made by the Administrative Code Division, several minor editing changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rule replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rules:

The purpose of these Rules is to regulate the conduct of charitable organizations seeking either recognition petitions or contributions with the least disruption to the work place. By putting these Rules into effect, the charitable organizations will know what is required and the extent that such drives can occur.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

16) Information and questions regarding this adopted rule shall be directed to:

Jeanne Bradner, Director, Governor's Office of Voluntary Action
100 West Randolph, 16th Floor
Chicago, Illinois 60601
312/917-2789

The full text of the Adopted Rules begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE G: PAYROLL DEDUCTIONS
CHAPTER III: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2650
SOLICITATION FOR CHARITABLE PAYROLL DEDUCTIONS

Section	Definitions
2650.1	Entitlement
2650.5	Organization
2650.10	Annual Drive
2650.15	Recognition
2650.20	Request to Solicit Employees
2650.25	Prohibitions
2650.30	

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Personnel Code (Ill. Rev. Stat. 1987, ch. 127, par. 63b109).

SOURCE: Emergency rules adopted at 12 Ill. Reg. 6975, effective April 1, 1988, for a maximum of 150 days; emergency repealer adopted at 12 Ill. Reg. 10191, effective June 10, 1988, for a maximum of 150 days; adopted at 13 Ill. Reg. 3330, effective March 6, 1989.

Section 2650.1 Definitions

For purposes of this Part, the following terms shall have the meaning given below:

"Agency": Agencies, boards, commissions and other entities under the Governor. Agencies under other constitutional offices may participate on a voluntary basis.

"Calendar Year": Any 12-month period beginning January 1;

"Chief Officer": The head of any agency, except institutions of higher education and their governing bodies, board or commission appointed by the Governor;

"Director": Unless a different agency is specified, "Director" shall mean the Director of the Department of Central Management Services or his or her designee;

"Employee": Any regular officer or employee who receives salary or wages for personal services rendered to the State of Illinois, except contractual, part-time, temporary or emergency employees or employees of institutions of higher education and their governing bodies;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

"Qualified Charitable Organization": Any not-for-profit organization recognized by the Office of the Comptroller as eligible to receive payroll deductions;

"SECA": State Employees' Combined Appeal. The annual combined drive of qualified charitable organizations;

"Withholding": The authorization by an employee for a specific amount to be deducted from salary or wages to be paid over promptly to the organization designated by the employee by means of warrants drawn by the State Comptroller or other appropriate source;

"Work Place": The physical location for an employee to perform her or his work but not including any area accessible to the public or any area used exclusively for rest or refreshment;

"Work Time": That period of the workday for which the employee is paid to perform services for the State of Illinois, but not including unpaid meal periods or paid rest periods.

Section 2650.5 Entitlement

Any qualified charitable organization is entitled to solicit contributions from State employees during work time and in the work place as provided and regulated in this Part.

Section 2650.10 Organization

- a) A support committee to assist and regulate the State Employees' Combined Appeal (SECA) is herewith established under the chairmanship of the Director (or designee) of the Governor's Office of Voluntary Action. Membership of this committee will consist of a representative from each qualified charitable organization; one State employee "at large" representing employee interests; the prior year's SECA chairperson; the Director of Central Management Services or his/her designee; a state employee labor organization; and one public member, and the appointed SECA Chairperson for the current year. The State employee and the public member will be appointed by the Governor. The committee shall meet at least once each year. The function of the committee is to advise the Director of the Governor's Office of Voluntary Action and the Director on employee solicitation, including:

- 1) Discussion and planning of the administration and conduct of the annual campaign.
- 2) Review of combined campaign materials, educational programs, publicity efforts, campaign goals and recognition/award programs.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 3) Selection process for SECA chairpersons and coordinators.
- 4) Verification of continuing eligibility through the Comptroller's Office.
- 5) Any other issues determined to be consistent with the functions of the committee.

- b) A chairperson for each annual SECA shall be appointed by the Governor. Said chairperson shall serve on the support committee to assist the Director of the Governor's Office of Voluntary Action on functions specified in subsections (a)(2) and (a)(3) above. Each chief officer shall appoint an executive coordinator for each annual campaign. SECA coordinators or other agency employees shall be permitted work time to perform their responsibilities, including campaign briefings and training, distribution of literature, collection of pledge cards, telephone and contact with representatives of the qualified charitable organizations. SECA coordinators will be permitted to request liaisons to assist where an agency has multiple workites. SECA liaisons will be given time to meet with their coordinator for training. Any volunteers recruited by charities from State offices shall contribute time solely during non-work hours.

- c) During the campaign period, employees may attend on their own volition presentations of each or any qualified charitable organization, such time totaling not more than 1 hour in the aggregate annually. Agencies, in cooperation with the qualified charitable organization, shall endeavor to schedule presentations to permit all interested employees to attend such presentations.

Section 2650.15 Annual Drive

An annual SECA drive shall be held to include all qualified charitable organizations under the following conditions:

- a) the duration shall not be more than eight weeks in any given year and shall commence the 2nd Tuesday after Labor Day;
- b) equal access and promotional opportunity time shall be allowed for each qualified charitable organization by the agency coordinator;
- c) there shall be no lessening or disruption of work in the work place;
- d) employees shall be informed regarding any qualified participating organization as charitable alternatives;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- e) qualification of any charitable organization shall occur by April 15 prior to the annual drive whose authorized withholdings are to be effective the following January 1 as provided in Section 2650.20.
- f) one combined brochure and payroll deduction form will be prepared and printed by the charities. This brochure will include all charities qualified as of the above cutoff date to participate in SECA and will be distributed during the campaign to all state employees covered under these rules by the Executive Coordinators and their liaisons.

Section 2650.20 Recognition

The following conditions shall regulate any petition drive for any charitable organization seeking to become a qualified charitable organization.

- a) Representatives of non-qualified organizations shall be entitled to use public access areas of an agency to set up information dissemination points and to request employee participation in petition drives.
- b) It is the responsibility of any operating agency to verify through the Corporate Division of the Office of the Secretary of State the validity of a non-qualified charitable organization conducting a petition drive to determine whether such organization is chartered as a not-for-profit (501(c)(3)) corporation in the State of Illinois and to verify that the charitable organization has filed required periodic reports with the Office of the Attorney General as provided in "AN ACT to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor." (Ill. Rev. Stat. 1987, ch. 23, par. 5101 et seq.) and to verify if the organization's petition forms have been approved by the Office of the Comptroller.

- c) Qualify for direct withholding as provided in the Voluntary Payroll Deductions Act of 1983 (Ill. Rev. Stat. 1987, ch. 15, pars. 501 et seq.).

- d) No agency shall discriminate against any charitable organization seeking recognition unless that organization has not filed as a non-profit corporation with the Office of the Secretary of State.

- e) No employee shall circulate any petition on behalf of any charitable organization during working hours in the work place.

Section 2650.25 Request to Solicit Employees

Any request by a qualified charitable organization to solicit contributions from employees received in any agency shall be forwarded to the Director of the Office of Voluntary Action for action as provided in this Part.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

Section 2650.30 Prohibitions

- a) No qualified charitable organization which does not participate in the annual combined campaign shall be entitled to direct access in the work place and to employees in the work place and during work time during the course of the year.
- b) No employee shall solicit funds on behalf of any charitable organization which is not a qualified charitable organization during work hours in the work place.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Department of Children and Family Services
Employee Conflict of Interest
- 2) Code Citation: 89 Ill. Adm. Code 437
- 3) Section Numbers: Adopted Action
437.4 Amendments
437.8 New Section (Renumbered)
437.9 Amendments (Renumbered)
- 4) Statutory Authority: (Ill. Rev. Stat. 1987, ch. 127, pars. 132.5 and 132.11-1 through 132.12)
- 5) Effective Date of Amendments/New Section: March 1, 1989
- 6) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒
If so, please specify date:
- 7) Do these amendments contain incorporations by reference? No.
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?
- 8) Date Filed in Agency's Principal Office: March 1, 1989
- 9) Notice(s) of Proposal Published in Illinois Register:
September 2, 1988, 12 Ill. Reg. 13752
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.
If answer is "yes," please complete the following:
- 11) Difference(s) between proposal and final version:
In Section 437.4 (b), add the phrase "in accordance with subsection (a) above," after the term "conflict of interest."
In the first line of 437.8, change "otherwise be involved" to "in any way be involved."
All changes recommended by the Administrative Code Unit are included.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of these Amendments: These amendments provide for a Department review when there is an employee conflict of interest with a regulated/contracted facility or agency. These amendments also implement a prohibition of employee conflicts during the course of caring for children who are served by the Department.
- 16) Information and questions regarding these amendments shall be directed to:
Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
Telephone: 217/785-2592

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER I: GENERAL ADMINISTRATION

PART 437

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
EMPLOYEE CONFLICT OF INTEREST

- Section
437.1 Purpose
437.2 Definitions
437.3 Department Statutory Responsibilities
437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties
437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs
437.6 Prohibitions Under the Illinois Purchasing Act
437.7 Requirements of the Governmental Ethics Act
437.8 Prohibition of Employee Conflicts in the Care of Children
437.8437.9 Violations of Part 437

AUTHORITY: Implementing and authorized by Sections 5 and 11.1 through 12 of the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.5 and 132.11-1 through 132.12); Article 4A of the Illinois Governmental Ethics Act (Ill. Rev. Stat. 1987, ch. 127, par. 604A-101 et seq.); Section 16 of the Civil Administration Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 16) and Section 4 of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named." (Ill. Rev. Stat. 1987, ch. 23, par. 5004).

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989.

Section 437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties

- a) No employee of the Department may knowingly have any connection whatsoever with any regulated or provider facility or agency which may be considered a conflict of interest or could influence the Department in the execution of its statutory duties. Therefore:
- a) 1) No employee of the Department shall serve in any capacity with or be employed on a full-time or part-time basis, by any facility or agency with which the Department has a contract or which the Department licenses. Foster family and day care home licenses are exempted from this restriction.
- b) 2) No employee shall act as a consultant, paid or unpaid, to any facility or agency if such consultation enables the facility or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

agency to meet Department licensing requirements or to secure Department approval for program or staffing.

b) If a Department employee has a connection with a regulated or provider facility or agency which may be considered a conflict of interest in accordance with subsection (a) above, or could influence the Department in its execution of its statutory duties, the administrator of the unit shall refer the situation to the Department office of internal audits for a review and opinion.

(Source: Amended at 13 Ill. Reg. 3339, effective March 1, 1989)

Section 437.8 Prohibition of Employee Conflicts in the Care of Children

No employee of the Department may take a child or in any way be involved in arranging or facilitating the transportation of a child for whom the Department is providing services to the employee's residence unless:

- a) the employee is a licensed foster parent and the child has been placed with the employee for foster care purposes. Placement of a child with a Department employee must be approved by the deputy director responsible for the region/site; or
- b) a child aged 16 or over has been placed in an independent living arrangement and the child is residing in an apartment or other separate unit of the building where the employee resides; or
- c) the child is attending a party, family gathering or other function and the child's attendance is approved in writing by the employee's supervisor; or
- d) the child is staying overnight because of inclement weather or other emergency. Overnight visits must be approved by the deputy director responsible for the region/site.

(Source: Former Section 437.8 renumbered to Section 437.9, new Section 437.8 adopted at 13 Ill. Reg. 3339, effective March 1, 1989)

Section 437.8 437.9 Violations of Part 437

- a) Strict compliance with all of the provisions of this part is mandatory and any non-compliance may subject the employee to criminal penalties, suspension, or discharge from Department employment.
- b) The Department may require any employee in violation of the foregoing to document all of his or her actions undertaken in order to comply with all of the provisions of these rules this Part.
- c) The severity of discipline imposed in accordance with the Illinois Department of Personnel's rules will be based, in part, upon whether the employee:
- 1) Used the Department of Children and Family Services position for private gain (other than salary);
 - 2) Gave preferential treatment to any organization or person;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

- 3) Impeded or adversely affected governmental efficiency or economy;
- 4) Failed to act independently or impartially;
- 5) Affected adversely the confidence of the public in the integrity of the Department of Children and Family Services.

(Source: Section 437.9 renumbered and amended from Section 437.8 at 13 Ill. Reg. 3339, effective March 1, 1989)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Purchase of Service
- 2) Code Citation: 89 Ill. Adm. Code 357
- 3) Section Numbers: Adopted Action
 357.2 Amendments
 357.3 Amendments
 357.11 Amendments
- 4) Statutory Authority: (Ill. Rev. Stat. 1987, ch. 23, par. 5005 et seq.)
- 5) Effective Date of Amendments: March 1, 1989
- 6) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒
 If so, please specify date:
- 7) Do these amendments contain incorporations by reference? No.
 If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?
- 8) Date Filed in Agency's Principal Office: March 1, 1989
- 9) Notice(s) of Proposal Published in Illinois Register:
 September 2, 1988, 12 Ill. Reg. 13807
 (issue date)

- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.
 If answer is "yes," please complete the following:

- 11) Difference(s) between proposal and final version:

Section 357.2 - A definition of "Department" was added as follows:

"Department," as used in this Part, means the Department of Children and Family Services.

Section 357.2 - Revise the definition of "Equal proposals for family preservation services" by deleting everything after "services to be provided" and adding "are equal pursuant to the requirements of Section 357.6."

Section 357.11 (d) - Change the date "1974" to "1988". Delete the strike-out from the last sentence in the section.

All changes recommended by the Administrative Code Unit are included.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes.
- 13) Will amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) **Summary and Purpose of Amendment:** The amendments reduce the administrative burden on purchase of service providers. The administrative burden was decreased by allowing rebidding of service contracts once every six years (rather than four years) and by requiring certified independent audits from providers whose annual contracts exceed \$50,000, rather than \$25,000. In addition, the amendments implement requirements of the Family Preservation Act regarding the handling of equal proposals for services.
- 16) **Information and questions regarding these amendments shall be directed to:**
- Name:** Jacqueline Nottingham, Chief
- Address:** Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
- Telephone:** 217/785-2592
- The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER C: FISCAL ADMINISTRATION

PART 357

PURCHASE OF SERVICE

Section	Purpose
357.1	Definitions
357.2	Procuring Services
357.3	Issuance of Requests for Proposals
357.4	Content of Requests for Proposals
357.5	Evaluation of Proposals
357.6	Notification of Awards
357.7	Disclosure of Proposals
357.8	Contract Approval
357.9	Compliance During the Contract Period
357.10	Fiscal Reports and Records
357.11	Required Documentation
357.12	Contract Termination
357.13	

AUTHORITY: Implementing 42 C&R 431 and authorized by Section 5 of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1987, ch. 23, par. 5005 et seq.).

SOURCE: Adopted and codified at 5 Ill. Reg. 11546, effective December 29, 1981; amended at 6 Ill. Reg. 9294, effective July 26, 1982; amended at 8 Ill. Reg. 12127, effective July 13, 1984; amended at 9 Ill. Reg. 11292, effective July 15, 1985; amended at 13 Ill. Reg. 3344, effective March 1, 1989.

Section 357.2 Definitions

"Department", as used in this Part, means the Department of Children and Family Services.

"Equal proposals for family preservation services" means proposals received by the Department which have been assigned, after review, the same number of evaluation points and the services to be provided are equal pursuant to the requirements of Section 357.6.

"Negotiated contract" means a written contract with an agency or individual to provide needed child welfare or youth services, which contract is not competitively bid, but rather is mutually agreed upon with a provider. Use of such contracts is further described in Section 357.3.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

"New service initiatives" means services which heretofore have not been provided by or purchased by the Department in the State or in a specific geographical area of the state.

"Professional services" as used in this Part means child welfare services as defined in Department Rules, 89 Ill. Adm. Code 302 Service Delivered by the Department, and youth services as defined below.

"Program plan" means that part of the purchase of service contract which explains in detail who will be served, where and how they will be served and what outcomes are expected from the service.

"Purchase of service provider" means an agency or individual offering services to a Department client through a signed contract with the Department. As used in this Part the term does not include grants-in-aid which are awarded pursuant to 89 Ill. Adm. Code 360, Grants-in-Aid.

"Requests for proposals" (RFP's) means a form of invitation to bid which the Department uses to obtain professional services. The RFP explains the purpose, outlines the scope of the work and solicits proposals from individuals or organizations for the funding of services for certain initiatives or projects undertaken by the Department.

"Youth services" include but are not limited to community services, primary prevention, outreach and recreational opportunities, including the use of indigenous community volunteers to provide programs designed to correct conditions contributing to delinquency; diversion services, including client advocacy, family counseling, employment and educational assistance and service brokerage; and emergency services, including 24-hour crisis intervention and shelter care. Youth services are further defined in 89 Ill. Adm. Code 310, Delivery of Youth Services Funded by the Department.

(Source: Amended at 13 Ill. Reg. 3344, effective March 1, 1989)

Section 357.3 Procuring Services

- a) The Department procures professional child welfare and youth services by means of negotiated contracts and competitively bid contracts.
- b) Negotiated contracts are used in the following circumstances:
 - 1) When the nature of the service is such that it can only be obtained from a single service provider.
 - 2) Maintenance of ongoing established services is necessary to ensure the continuity of care and assistance to children, youth and families served by the Department.
 - 3) When an emergency exists and the urgency for the service will not

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

allow time for preparing requests for proposals.

- 4) When the Department is not required to use competitive bidding by statute or by the provisions of subsection (c) (1) below:

c) Although the professional services governed by this Part are exempt from the competitive bidding procedures of the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, par. 132.1 et seq.) as opposed to the goods and services governed by the standard procurement rules of the Department of Central Management Services, the Department nevertheless recognizes the value of competition and therefore issues Request for Proposals (RFP's) in the following situations:

- 1) The Department shall issue a RFP for all new service initiatives over \$25,000 except where the RFP is required by Federal regulations such as 45 CFR 74. The Director shall waive the RFP requirement when a determination is made that an emergency exists. An emergency shall include, but not be limited to, the following situations:
 - A) When the service initiative is immediately needed to prevent interruption in services to current clients, or
 - B) The service initiative is immediately needed to assure the clients' health and welfare.
- 2) In addition, the Department shall issue RFP's for service contracts (except for substitute care and day care) over \$50,000 at least once every four six years. However, comprehensive community-based youth services provided through local boards of local service systems shall be reviewed once every four years in accordance with 89 Ill. Adm. Code 334, Administration and Funding of Community-Based Services to Youth. When requests for proposals are issued, purchase of service providers shall submit a response in accordance with the RFP in order to be considered for contracts for the fiscal year specified. When an RFP is not required, subsequent contracts may be negotiated and renewed at the Department's discretion without recourse to a RFP. The Department will review such contracts in order to determine that the provider is complying with the provisions of the current contract and providing effective services which meet the needs of the Department's clients.

- 3) When equal proposals for family preservation services have been submitted to the Department, not-for-profit corporations are to be given preference over for-profit corporations.

(Source: Amended at 13 Ill. Reg. 3344, effective March 1, 1989)

Section 357.11 Fiscal Reports and Records

- a) Purchase of service providers shall furnish the Department with any required reports during the contract period. These reports shall detail functional expenses, revenues, and per person costs in a manner specified by the Department. Reports shall be received by the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Department office responsible for contracts and grants within the time frames specified in the contract.

- b) When the contract expires or terminates prior to the end of the fiscal year, a report shall be submitted within 30 days of the expiration or termination of the contract.
- c) Any purchase of service provider who receives more than \$25,000 from the Department within a fiscal year shall submit a certified independent audit using the guidelines developed by the Department. The Director or Chief Auditor of the Department shall waive audit requirements when a contract is with an individual provider and payment is not related to expenses. The Department may also request certified audits from purchase of service providers who receive less than \$25,000 from the Department within a fiscal year to ensure compliance with Federal, State and Department requirements. The audit shall contain the following information:
 - 1) an expression of the auditor's opinion on the financial statement;
 - 2) a balance sheet;
 - 3) a statement of revenue and expenses and changes in fund balance. ~~for the contract year~~; This statement should specifically identify revenue received from the Department programs(s). The cost of Management and General expenses is to be shown;
 - 4) a statement of functional expenses (expenses by program) in a multiple program agency;
 - 5) notes on the financial statements which includes a note on revenues showing the total number of service units provided measured in either hours, days, weeks, or months;
 - 6) reports on review of internal controls;
 - 7) report on compliance; and
 - 8) a management letter from the certified independent audit firm which specifies those accounting and internal control deficiencies which merit attention.
- d) Purchase of service providers shall maintain financial records for five years from the expiration of each contract. The Department reserves the right to inspect all purchase of service records which relate to services for which the Department provides funding. These records shall be kept according to the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations, a 197488 publication of the National Health Council, the National Assembly of national Voluntary Health and Social Welfare Organizations, Inc., and the United Way of America. These standards require accrual accounting. This rule does not include any later amendments or editions to the previously cited publication.
- e) Reports are necessary to enable an evaluation of the costs for all providers offering the same services. Unless the Department determines that circumstances do not warrant the following action, noncompliance with fiscal reporting requirements will result in:
 - 1) withholding of rate increases, if the provider does not comply with the fiscal reporting requirements as specified in the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

- contract; or
- 2) withholding of rate increases and non-renewal of the purchase of service contract, if the provider does not comply with the end of year fiscal reporting requirements.
- f) Unless the Department determines that circumstances do not warrant the following action, failure to submit the required audit, which must be submitted within 180 days after the end of the fiscal year, will result in:
 - 1) non-renewal of the purchase of service contract, or
 - 2) termination of the purchase of service contract, or
 - 3) withholding of current contract payments for services provided. Such withholding of payments will occur 60 days after the provider has received written notice of the pending action from the Director of the Department.

(Source: Amended at 13 Ill. Reg. 3344, effective March 1, 1989)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Adopted Action:

140.350 Amendment
140.362 Amendment
140.363 Amendment
140.364 Repealed, New Section
140.367 Amendment
140.369 Amendment
140.370 Amendment
140.372 Amendment
140.373 Repealed
140.376 Repealed

4) Statutory Authority: Section 5-5 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Par. 5-5)

5) Effective Date of Amendments: March 6, 1989

6) Does this rulemaking contain an automatic repeal date?

Yes X No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 6, 1989

9) Notices of Proposal Published in Illinois Register:

April 1, 1988 (12 Ill. Reg. 5958)

10) Has JCAR issued a Statement of Objections to these rules?
No

11) Differences between proposal and final version: The following changes were made on Second Notice:

1) In Sections 140.362 and 140.363 "1988" was changed to "1989" in two places in each Section.

2) In the first sentence of Section 140.364, "will" was changed to "may". In the third sentence of Section 140.364, "peer review" was added before "agent".

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

3) In the second sentence of Section 140.369(b)(3)(A), "two" was added before "most recent", and "year" was changed to "years".

4) In the fifth sentence of Section 140.369(b)(3)(B), "was" was changed to "were". In the eighth sentence, "two" was changed to "four", "weights," was changed to "weights:", and "for each of the two years considered" was added at the end of the sentence. In the last sentence, "two" was changed to "four" in the first place it appears, "two" is deleted in the second place it appears, and "four" and then the result is multiplied by 1000" is inserted between "divided by" and "to develop".

5) In Section 140.369(c), the "Diagnostic Scope of Service Range" changed, as follows:

Group Number	Diagnostic Scope of Service (SOS) Range
1	Greater than the mean SOS score plus two (2) standard deviations
2	Greater than the mean SOS score plus one (1) standard deviation but less than the mean SOS plus 2 standard deviations
3	Less than the mean SOS score plus one (1) standard deviation

6) Section 140.370(a)(2) and 140.370(b) as proposed is deleted. Section 140.370(a)(1) as proposed remains. The following provisions were added:

2) The Final Rate for a hospital with current rate year DRI updated costs greater than its current rate year group 65th percentile will be the group 65th percentile. The Final Rate for a hospital with DRI updated costs less than or equal to its current rate year group 65th percentile will be either:

A) (the DRI index updated from the midpoint of the previous year to the midpoint of the rate year plus that hospital's marginal

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

percentage change in per diem trended costs from the previous to the current rate year) divided by two, multiplied by the previous year's trended cost; or,

- B) the current rate year group 65th percentile, whichever is less. This final adjustment will decrease the rate of increase for hospitals with per diem costs increasing faster than the inflation rate and increase the rate of increase for hospitals with per diem costs increasing slower than the inflation rate.

The following change was made pursuant to discussions with the staff of the Joint Committee on Administrative Rules: In Section 140.364, "(e.g., when hospital billings deviate from the norm)" was added at the end of the second sentence.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.16	Amendment	March 10, 1989 (13 Ill. Reg. 2937)
140.17	Amendment	March 10, 1989 (13 Ill. Reg. 2937)
140.19	Amendment	August 12, 1988 (12 Ill. Reg. 12976)
140.20	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.21	Amendment	March 17, 1989 (13 Ill. Reg. 3295)
140.43	New Section	December 2, 1988 (12 Ill. Reg. 19868)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.110	New Section	July 15, 1988 (12 Ill. Reg. 11701)
140.390	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.392	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.394	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.400	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.435	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.436	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.440	Amendment	December 30, 1988 (12 Ill. Reg. 22329)
140.525	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.526	Amendment	February 3, 1989 (13 Ill. Reg. 1420)
140.642	Amendment	November 28, 1988 (12 Ill. Reg. 19613)
140.896	New Section	July 15, 1988 (12 Ill. Reg. 11701)

- 15) Summary and Purpose of Amendments:

Section 140.350 "Copayments"

This rule change brings the rules inline with current reimbursement practices. First, the Department only pays hospitals their final rate. Interim payments were phased out several years ago. Second, copayments are assessed for all recipient admissions except those for General

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Assistance clients. Third, the assessment is being deducted automatically by the Department in the claims payment process.

Section 140.362 "Pre July 1, 1989 Services"

This change informs hospitals that hospital inpatient claims for services provided before July 1, 1989 will be paid under the terms of the previous rate methodology.

Section 140.363 "Post June 30, 1989 Services"

This rule informs hospitals that hospital inpatient claims for services that are provided after June 30, 1989 will be paid under the terms of the revised rate methodology.

Section 140.364 "Utilization Allocation/Prepayment Review"

The Department is eliminating day limit allocations for non-contracting hospitals and instituting pre-payment review requirements.

Section 140.367 "Inflation Adjustment"

The number of hospital peer groups that are subjected to a 65 percentile reimbursement cap is being changed from six groups to five groups.

Section 140.369 "Groupings"

This Section's revision changes the way in which hospitals are grouped for purposes of calculating the 65th percentile. Under the current system, there were a whole series of factors that went into the peer grouping, all of which are either being eliminated or revised.

Consideration of hospital size as a separate factor in the index is eliminated. It is felt that for purposes of peer comparison, the relevant factors should be the complexity and scope of services provided in a hospital, not the number of beds.

Length of stay also will no longer be considered as a factor in the peer grouping. Length of stay in the entire facility was originally included as a mechanism to separate out those hospitals which have swing beds or long-term care units. It is now felt that it is inappropriate to base hospital inpatient rate groupings on the existence or non-existence of nursing home services in another part of

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

the hospital, especially since the hospital files separate cost reports for their hospital side and their long-term care side.

The basis for calculating the complexity and range of services at a particular hospital is being revised. Under the old system, hospitals were classified based on the types of equipment and units they had in 1981, with weights being assigned to each factor depending on how widely available the service or equipment was. The revision proposes measuring and weighting the actual diagnoses and procedures handled at the hospital for Medicaid patients during the most recent fiscal year. This has the advantage of reflecting on a current basis the actual scope of services maintained by each facility thereby avoiding giving them credit for pieces of equipment that are unused or departments that are mothballed for extended periods) and of being easily updated on an annual or biannual basis.

Finally, teaching status will no longer be considered as a separate factor since it will be adequately credited in the greater complexity and range of services provided at teaching facilities. Teaching costs will, of course, continue to be recognized in the cost base, but not in the peer grouping.

Under the proposed revisions, a separate group will be established for children's hospitals and a separate group for rehab hospitals, and the same peer comparison within each of these groups will be applied in the same manner as all other hospitals, namely, that if a hospital's rate rises faster than the 65th percentile for that group, their rate will be capped at the 65th percentile.

Section 140.370 "Rate Calculation"

The current rate methodology uses the most recent audited cost reports and trends them forward using the DRI inflation index. It also calls each year for calculations that measure the extent to which a hospital's costs have increased, and the extent to which those cost increases are greater or less than the DRI increases over the same period. The hospital's trended rate is then adjusted to reflect a rate of increase that is midpoint between the DRI increase and the actual increase experienced by the hospital. This adjustment had the effect of decreasing the rate of increase for hospitals whose per diem cost growth was rising faster than the inflation rate, and of

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

increasing the rate of increase for hospitals whose per diem cost growth was rising slower than the inflation rate. All of these calculations and comparisons will continue under the new system, except that if a hospital's cost growth is less than the DRI, their rate will be trended forward using their actual rate of increase, with no upward adjustment to the midpoint.

Under the proposed amendments, regardless of the base year costs or the actual rate of growth in the hospital's costs or the midpoint adjustment, an absolute upper limit for rates is established at the 65th percentile of the trended rates for each peer grouping of hospitals. This 65th percentile is based on the FY'84 trended rates, and is updated each year by applying the DRI inflation factor. Each hospital's rate has been and will continue to be their adjusted trended rate or the 65th percentile rate, whichever is less.

Section 140.372 "Review Procedure"

The language of this Section is being changed to reflect an accompanying rule change eliminating individual hospital utilization allocations.

Section 140.373 "Utilization"

This Section is being repealed to reflect an accompanying rule change which eliminates hospital utilization allocations.

Section 140.376 "Utilization, Case Mix and Discretionary Funds"

This Section is being repealed because it dealt with supplemental payments that were made in FY'85 only.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Thomas D. Toberman
Division of Medical Programs

Address: Prescott E. Bloom Building
201 South Grand Avenue East, 3rd Floor
Springfield, IL 62763

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Telephone: (217) 524-7335

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
 140.2 Medical Assistance Programs
 140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.4 Covered Medical Services Under GA and AMI
- 140.5 Medical Services Not Covered
- 140.6 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year
- 140.7 Medical Assistance For Qualified Severely Impaired Individuals
- 140.8 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.9 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section

- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
- 140.20 Submittal of Claims
- 140.21 Magnetic Tape Billings
- 140.22 Payment of Claims
- 140.23 Payment Procedures
- 140.24 Overpayment or Underpayment of Claims
- 140.25 Payment to Factors Prohibited
- 140.26 Assignment of Vendor Payments
- 140.27 Record Requirements for Medical Providers
- 140.28 Audits
- 140.29 False Reporting and Other Fraudulent Activities
- 140.30 Prior Approval for Medical Services or Items
- 140.31 Prior Approval in Cases of Emergency
- 140.32 Limitation on Prior Approval
- 140.33 Drug Manual (Recodified)
- 140.34 Drug Manual (Recodified)
- 140.35 Drug Manual Update (Recodified)

SUBPART C: HOSPITAL SERVICES

Section

- 140.94 Hospital Services
- 140.95 Participation
- 140.96 General Requirements
- 140.97 Special Requirements
- 140.98 Covered Hospital Services
- 140.99 Hospital Services Not Covered
- 140.100 Limitation On Hospital Services
- 140.101 Transplants
- 140.102 Heart Transplants
- 140.103 Liver Transplants
- 140.104 Bone Marrow Transplants
- 140.110 Disproportionate Share Hospital Adjustments (Emergency Expired)
- 140.116 Payment for Inpatient Services for GA
- 140.117 Hospital Outpatient and Clinic Services
- 140.200 Payment for Hospital Services During Fiscal Year 1982
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983
- 140.203 Limits on Length of Stay by Diagnosis
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	
140.350	Copayments
140.360	Payment Methodology
140.361	Non-Participating Hospitals
140.362	Pre July 1, 1984 1989 Services
140.363	Post July-17-1984 June 30, 1989 Services
140.364	<u>Utilization-Attestation Prepayment Review</u>
140.365	Base Year Costs
140.366	Restructuring Adjustment
140.367	Inflation Adjustment
140.368	Volume Adjustment (Repealed)
140.369	Groupings
140.370	Rate Calculation
140.371	Payment
140.372	Review Procedure
140.373	Utilization (Repealed)
140.374	Alternatives
140.375	Exemptions
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services
140.391	Definitions
140.392	Types of Subacute Alcoholism and Substance Abuse Services
140.394	Payment for Subacute Alcoholism and Substance Abuse Services
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services
140.398	Hearings

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
140.425	Podiatry Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory Services
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.460	Clinic Services
140.461	Clinic Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices for Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.476	Limitations on Equipment, Supplies and Prosthetic Devices
140.477	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.478	Prosthetic Devices

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medichek Services
140.486	Limitations on Medichek Services
140.487	Payment on Medichek Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services

SUBPART E: GROUP CARE

Section	
140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	
140.529	Reviews
140.530	Basis of Payment for Group Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Incentive Payments for Quality Care
140.566	Level I Incentive Payments
140.567	Level II Incentive Payments
140.568	Duration of Incentive Payments
140.569	Clients With Exceptional Nursing Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements
140.581	Qualifying as Mandated Capital Improvement
140.582	Cost Adjustments
140.583	Campus Facilities

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section
140.584 Illinois Municipal Retirement Fund (IMRF)
140.590 Audit and Record Requirements
140.642 Pre-Screening Assessment
140.643 In-Home Care Program
140.645 Medical and In-Home Care For Disabled Persons Under Age 21
140.646 Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647 Description of Developmental Training Service Levels
140.648 Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649 Effective Dates of Reimbursement for Day Programs
140.650 Certification of Day Programs
140.651 Decertification of Day Programs
140.652 Terms of Assurances and Contracts
140.680 Effective Date of Payment Rate
140.700 Discharge of Long Term Care Residents
140.830 Appeals of Rate Determinations
140.835 Determination of Cap on Payments for Long Term Care

SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

Section
140.850 Facility/Client Participation
140.855 Evaluation of Need for Care
140.860 Payment
140.865 Definitions
140.870 Guidelines
140.875 Intermediate Care (ICF)
140.880 Skilled Care (SNF/PED)
140.885 Statewide Rates
140.890 Reimbursement for ICF/MR-15 and Under Facilities
140.895 Night Shift Reimbursement
140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Emergency Expired)

SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section
140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901 Functional Areas of Needs (Recodified)
140.902 Service Needs (Recodified)

Section
140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
140.906 Reconsiderations (Recodified)
140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
140.910 Referrals (Recodified)
140.911 Basic Rehabilitation Aide Training Program (Recodified)
140.912 Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942 Definition of Terms (Recodified)
140.944 Notification of Negotiations (Recodified)
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
140.948 Negotiation Procedures (Recodified)
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
140.952 Closing an ICARE Area (Recodified)
140.954 Administrative Review (Recodified)
140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)
140.966 Transfer of Recipients (Recodified)
140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board (Recodified)
TABLE A Medichex Recommended Screening Procedures
TABLE B Health Service Areas
TABLE C Capital Cost Areas
TABLE D Schedule of Dental Procedures
TABLE E Time Limits for Processing of Prior Approval Requests
TABLE F Podiatry Service Schedule
TABLE G Travel Distance Standards
TABLE H Staff Time and Allocation by Need Level (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TABLE I Staff Time and Allocation for Training Programs

(Recodified)
TABLE J HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 8 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 234, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011,

NOTICE OF ADOPTED AMENDMENTS

effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916, Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.207, Table A and 147.208 thru 147.210, Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective June 3, 1988; amended at 12 Ill. Reg. 10497, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 10717, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 1621, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.350 Copayments

- a) Copayments will be assessed on inpatient hospital services in the following amounts:

- 1) Inpatient hospital services in hospitals with an ~~interim~~ final per-diem rate (see Section 140.371) of \$325 or more.....\$3 per day.

NOTICE OF ADOPTED AMENDMENTS

Section 140.350 Copayments (Cont'd)

- 2) Inpatient hospital services in hospitals with an ~~interim~~ final per-diem rate of more than \$275 but less than \$325.....\$2 per day.
- 3) Inpatient hospital services in hospitals with an ~~interim~~ final per-diem rate of \$275 or less.....No Copayment.
- b) Copayments will be assessed under all medical programs administered by the Department except the General Assistance medical program, and the Aid-to-the-Medically-Indigent program. ~~Hospitals must certify this copayment from the recipient and show this amount as a credit on the bill submitted to the Department. Copayments will not be assessed against individuals under the age of 18, pregnant women (including post-partum women who have given birth within the last six weeks), or group care recipients. Copayments will be deducted automatically by the Department upon payment for services provided.~~
- c) No provider may deny care or services on account of an individual's inability to pay a copayment; this requirement, however, shall not extinguish the liability for payment of the copayment by the individual to whom the care or services were furnished.
- (Source: Amended at 13 Ill. Reg. 3351, effective March 6, 1989)

Section 140.362 Pre July 1, 1984 1989 Services

Reimbursement to participating hospitals for claims for services provided prior to July 1, 1984 1989 will be calculated and paid in accordance with the statutes and administrative rules governing the time period when the services were rendered.

(Source: Amended at 13 Ill. Reg. 3351, effective March 6, 1989)

Section 140.363 Post July-17-1984 June 30, 1989 Services

Reimbursement to participating hospitals for inpatient services provided during fiscal years after July-17-1984-June 30, 1989

NOTICE OF ADOPTED AMENDMENTS

Section 140.363 Post day-17-1984 June 30, 1989 Services
(Cont'd)

shall be calculated in accordance with Sections 140.364 through 140.375.

(Source: Amended at 13 Ill. Reg. 3351, effective March 6, 1989)

Section 140.364 Utilization-Allotment Prepayment Review

a) An inpatient hospital utilization allotment for the fiscal year will be established for each hospital based on its previous fiscal year allotment established pursuant to Section 5-5.11 of the Public Aid Code (Ill. Rev. Stat. 1983, ch. 237 par. 5-5.11) and Section 140.203. The previous fiscal year base will be modified for changes in caseload changes in coverage of program eligibility categories and to correct documented errors to take into account hospitals' actual utilization experience and for any reallocation of days for hospital inpatient service bidding and other capitation programs. Inpatient utilization allotments will be established for the first six month period in fiscal year 1985 with subsequent semiannual allotments unless an allotment of less than six months is necessary to accommodate for alternative delivery system days.

b) The Department shall allot a minimum of 17314193 inpatient days as modified by actual or anticipated caseload and program changes to be provided and paid pursuant to the reimbursement methodologies of Sections 140.360 through 140.376 together with inpatient days to be provided and paid pursuant to authorized and implemented alternative delivery systems (i.e., HMO's, contracts, primary diagnosis group systems). The Department shall not reduce this day allotment throughout the fiscal year. The Department shall adjust and shift allotments between individual hospitals to accommodate changes in utilization patterns including but not limited to those changes attributable to alternative delivery systems.

a) The number of inpatient days and the amount of funds necessary to implement contracts in place or under negotiation as of May 11, 1984, may be transferred by

NOTICE OF ADOPTED AMENDMENTS

Section 140.364 Utilization-Allotment Prepayment Review
(Cont'd)

the Department to the Health-Maintenance-Organization-time-item-appropriation.

The Department may require hospitals to submit claims to the Department for prepayment review and approval prior to rendering payment for services provided. Such prepayment review requirements will be focused on areas where the Department has substantial reason to suspect abuse (e.g., hospital billings deviate from the norm). The review may be conducted by the Department or its designated peer review agent. Prepayment review shall be used to determine the appropriateness and medical necessity of the inpatient stay. Payment shall not be made unless the medical necessity of the inpatient stay can be documented. The Department shall notify the hospital by letter or Department Informational Notice of the designated services which shall be subject to prepayment review. The prepayment review requirement shall commence thirty (30) days after the Department has given notice to the hospital of the designated services which shall be reviewed.

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 3351, effective March 6, 1989)

Section 140.367 Inflation Adjustment

a) Base Year Cost Report Inflator

Base year costs, including any adjustments for mandated restructuring, will be updated from the midpoint of each hospital's base year to the midpoint of the fiscal year for which rates are being set (rate year) according to the index and methodology of the Data Resources, Inc. national market basket price proxies, hospital inpatient general routine operating cost (DRI).

b) Group 65th Percentile Inflator

The Fiscal Year 1984 Group 65th percentile of DRI updated costs for hospital peer groups one through six-five (see Section 140.369) will be updated from the midpoint of the previous fiscal year to the midpoint of the current rate year according to the index and

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.367 Inflation Adjustment (Cont'd)

methodology of the Data Resources Inc., national market basket price proxies, hospital inpatient general routine operating cost (DRI). In this calculation, the full DRI index will be used.

(Source: Amended at 13 Ill. Reg. 3351, effective March 6, 1989)

Section 140.369 Groupings

1) Hospitals will be grouped with their peers into seven peer groupings:

1) Nonacute-care hospitals (group-6) are grouped separately from acute-care hospitals.

2) Among acute-care hospitals, hospitals with four or more Graduate Medical Education programs and with a scope of service index of at least 40 (major teaching hospitals) are grouped separately from other hospitals.

A) Major teaching hospitals are subdivided into two groupings:

1) Four to 21 programs (group-2) and

2) 22 or more programs (group-1)

B) Other acute-care hospitals are subdivided into three groupings:

1) Small hospitals offering few complex services (group-5)

2) Hospitals offering a mix of complex and non-complex services (group-4)

3) Hospitals offering a high number of complex services (group-3)

4) Specialty hospitals remain separate (group-7)

B) Five variables serve to identify groups:

1) Percent of inpatient days in short-term care

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.369 Groupings (Cont'd)

units defined as units with an average length of stay of less than 30 days.

2) Number of Graduate Medical Education programs accredited by the American Medical Association - the American Dental Association and/or the American Osteopathic Association.

3) A) Scope of service index as defined in Illinois Hospital Peer Groups - Health Systems Research - Inc. 7-1991 - California - and used by the Illinois Health Finance Authority to measure the complexity of services offered by a hospital - Services included in the scope of service index and their weights are:

DESCRIPTION

WEIGHT

Alcoholism/Chemical Dependency - Service/Inpatient	87-20
Alcoholism/Chemical Dependency - Service/Outpatient	84-80
Blood Bank	28-00
Burn Care Unit	96-80
Cardiac Catheterization Facility	80-80
Chest-Serum/Head	84-00
Chest-Serum/Body	81-20
Clinical Psychology Service	74-40
Dental Service	63-60
Diagnostic Radiology Facility	26-40
Fluoroscope - Radiology Facility	67-20
Fluoroscope - Radiology Facility	26-00
Hematology/Inpatient	71-60
Hematology/Outpatient	83-60
Histopathology Laboratory	28-00
ICU - Cardiac Care	63-60
ICU - General	90-40
ICU - Other	23-60
Neurology - Radiology Department	81-20
Neurology - Radiology Department	63-60
Neurology - Surgery	87-20
Neurology - Surgery	96-80
Neurology - Surgery	34-80

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Section 140.369 Groupings (Cont'd)

- but less than 70% 30-50S
- Group 7 Specialty hospitals not classified in any other group
- a) Any new or out-of-state participating hospitals will be placed in the most appropriate grouping based on data collected by the Department. Hospitals falling between the specified parameters for the two groups will be placed in the group with the higher 65th percentile updated cost.
- a) Hospitals will be grouped with their peers into five peer groupings:
- 1) Hospitals which provide only selected special services or programs are grouped separately from other hospitals. Special hospitals are subdivided into two groupings:
 - A) Rehabilitation hospitals (group 4)
 - B) Childrens hospitals (group 5)
 - 2) All other hospitals are subdivided into three groupings:
 - A) Hospitals which have provided a large range of complex services, many of which have not been provided at other hospitals (group 1).
 - B) Hospitals which have provided a moderate range of complex services, some of which were not provided at any other hospital or services which have been provided at only a few other hospitals (group 2).
 - C) Hospitals which have provided a small range of complex services that have, for the most part, been provided at other facilities (group 3).
- b) Two variables were used to identify the hospital peer groups:

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Section 140.369 Groupings (Cont'd)

- 1) Primary diagnosis codes for inpatient admissions, as submitted by the hospitals on their inpatient claims.
- 2) Procedure codes from the same source.
- 3) Peer group methodology
 - A) Hospital peer groups are characterized by hospitals which share similar histories in terms of the complexity of services they have provided to Public Aid recipients. Each hospital's Scope of Services Index (SOS) will be calculated from paid inpatient claims submitted for services provided during the two most recent fiscal years for which at least 95% of the claims have been processed. Each hospital's SOS index will be updated on an annual basis.
 - B) All diagnosis and procedure codes (for surgical procedures) from these submitted claims are arrayed by hospital and unduplicated. The number of hospitals that provided services related to each code (diagnosis and procedure) are tallied. This sum is then divided by the total number of participating hospitals to obtain the percentage of hospitals which admitted patients for each diagnosis and procedure code. This percentage is then subtracted from one and multiplied by 100 to arrive at the complexity weight for each diagnosis and procedure code. For instance, if a diagnosis/procedure were found in 10% of the hospitals paid claims, it would receive a complexity weight of 90 while a code turned up in 70% of the hospitals paid claims would receive a complexity weight of 30. Once complexity weights are assigned to each code then the diagnosis and procedure code weights are summed for each hospital. Each hospital's sum of diagnosis/procedure code weights are then divided by the total of all the diagnosis/procedure code weights and multiplied by 100. Each hospital has four

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.369

Groupings (Cont'd)

weights: one for diagnosis codes and one for procedure codes for each of the two years considered. These four weighted measures are then added together and divided by four and then the result is multiplied by 1000 to develop a combined weight index to measure the complexity of care each hospital has provided to Public Aid recipients.

c) The discussed methodology results in the following groupings.

Group Number	Diagnostic Scope of Service Range
1	Greater than the mean SOS score plus two (2) standard deviations
2	Greater than the mean SOS score plus one (1) standard deviation but less than the mean SOS plus 2 standard deviations
3	Less than the mean SOS score plus one (1) standard deviation
4	N/A
5	N/A

d) Any new or out-of-state participating hospitals will be placed in the most appropriate grouping based on data collected by the Department.

(Source: Amended at 13 Ill. Reg. 3351, effective March 6, 1989)

Section 140.370 Rate Calculation

- a) 1) For Groups 1 through 6 the 65th percentile of the BRI updated costs for individual hospitals within a group is determined by the following methodology: 1) The BRI updated costs for each hospital are ranked in ascending order. 2) The hospital with the 65th percentile rank is identified. 3) The BRI updated cost for that hospital is the 65th percentile of the BRI updated costs for that group.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.370

Rate Calculation (Cont'd)

national market basket price proxies, hospital inpatient general routine operating costs (BRI) will be increased by the group 65th percentile inflation rate for the midpoint of the previous year to the midpoint of the rate year. The final rate for a hospital with current rate year BRI updated costs greater than its current rate year group 65th percentile will be the group 65th percentile. The final rate for a hospital with BRI updated costs less than or equal to its current rate year group 65th percentile will be either:

A) (the BRI index updated from the midpoint of the previous year to the midpoint of the rate year plus that hospital's marginal percentage change in per diem trended costs from the previous to the current rate year) divided by two multiplied by the previous year's trended cost, or

B) the current rate year group 65th percentile, whichever is less. This final adjustment will decrease the rate of increase for hospitals with per diem costs increasing faster than the inflation rate and increase the rate of increase for hospitals with per diem costs increasing slower than the inflation rate.

b) A BRI updated cost for hospitals (as derived in Sections 140.365 through 140.370) in Group 7 will not be calculated. The final rate for each hospital in Group 7 will be the BRI index updated from the midpoint of the previous year to the midpoint of the rate year plus that hospital's marginal percentage change in per diem trended costs from the previous year to the rate year, divided by two and multiplied by the previous fiscal year's trended cost.

Final rate calculation

- a) For Groups 1 through 5 the 65th percentile of the BRI updated costs for individual hospitals within a group will be increased by the BRI Index from

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Section 140.370 Rate Calculation (Cont'd)

the midpoint of the previous year to the midpoint of the rate year. The 65th percentile is derived from the FY 84 trended rates which have been updated each year for inflation.

- b) The Final Rate for a hospital with current rate year DRI updated costs greater than its current rate year group 65th percentile will be the group 65th percentile. The Final Rate for a hospital with DRI updated costs less than or equal to its current rate year group 65th percentile will be either:

- 1) (the DRI index updated from the midpoint of the previous year to the midpoint of the rate year plus that hospital's marginal percentage change in per diem trended costs from the previous to the current rate year) divided by two, multiplied by the previous year's trended cost; or,
- 2) the current rate year group 65th percentile, whichever is less. This final adjustment will decrease the rate of increase for hospitals with per diem costs increasing faster than the inflation rate and increase the rate of increase for hospitals with per diem costs increasing slower than the inflation rate.

(Source: Amended at 13 Ill. Reg. 3351, effective March 6, 1989)

Section 140.372 Review Procedure

Hospitals shall be notified of their inpatient rate and utilization maximum for the rate year and shall have an opportunity to request a review of the rate and utilization maximum for errors in calculation. Such a request must be received in writing by the Department within 30 days of the date of the Department's notice to the hospital of their rates and maximums. The Department shall notify the hospital of the results of the review within 30 days of receipt of the hospital's request for review.

(Source: Amended at 13 Ill. Reg. 3351, effective March 6, 1989)

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Section 140.373 Utilization (Repealed)

- a) If a hospital's inpatient utilization during a fiscal year exceeds its utilization allocation for that year (as calculated in Section 140.364 above) or if during a fiscal year it appears to a hospital that it will in the near future exceed its utilization allocation for inpatient days for that year the allocation may be revised by the Department.

- b) The Department shall adjust allocations among hospitals to enable all available days to be utilized. Decisions to adjust or reallocate days shall be based on a comparison between the total fiscal year allocation (including alternative delivery system days) and the total number of days (including alternative delivery system days) that have been used. If any hospital exceeds its fiscal year 1985 inpatient day allocation and the Department cannot for any reason reallocate days to said hospital (a) the Department shall pay said hospital at a 65th of the per diem rate for each day in excess of its allocation.

(Source: Repealed at 13 Ill. Reg. 3351, effective March 6, 1989)

Section 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

The Department shall establish a \$6.1 million fund for hospitals participating in the Illinois Medicaid Program. This fund will be payable during fiscal year 1985. Payments from this fund shall be calculated quarterly (September 30, December 31, March 31, June 30) during the fiscal year and shall be paid within 60 days of the end of each quarter for eligible hospitals (subsections (a) and (b) below). Guidelines for the distribution and eligibility for this fund are as follows:

- a) Of this \$6.1 million fund, \$4.8 million shall be targeted for hospitals whose total Medicaid inpatient days constituted more than 30 percent of the total inpatient days for each year provided in that facility. Data to make this determination will be derived from the hospital's fiscal year 1982 audited Medicaid Cost Report.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed) (Cont'd)

- 2) The distribution of this fund for eligible hospitals will be determined by summing the eligible hospitals' medical assistance revenues for all services provided during the quarter and paid within 30 days after the end of the quarter. That sum is then divided by the total medical assistance revenues of all the eligible hospitals for services provided during the quarter and paid within 30 days after the end of the quarter. This proportion will then be multiplied by \$1.2 million to determine each hospital's proportion of the fund.
- b) 1) A total of \$55 million of this fund shall be directed toward hospitals whose 1981 Medicare Case-Mix Index (as calculated by the Department of Health and Human Services pursuant to the Social Security Amendments of 1983 and published in 48 Fed. Reg. 39752 et seq. Sept. 17, 1983) exceeds the mean case-mix index of Illinois hospitals in the IPA peer group by 15 percent or more.
- 2) The distribution of this fund for eligible hospitals will be determined by dividing a hospital's quarterly Medicare net inpatient revenue by the total quarterly net patient revenue of all eligible hospitals and multiplying this proportion by \$137,500.
- c) In addition a \$75 million discretionary fund shall be designated for hospitals that meet either the utilization or case-mix intensity criteria (above) and shall be distributed to any or all of the eligible hospitals at the discretion of the Director of the Illinois Department of Public Aid. Any of this fund not paid by the end of the fiscal year will revert to and become a part of the fourth quarter utilization fund for proportional distribution in the fourth quarter among hospitals eligible for allocation funds as defined in subsection (a).

(Source: Repealed at 13 Ill. Reg. 3351, effective March 6, 1989)

ILLINOIS REGISTER
DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED RULES

- 1) Heading of Part: Pal-Waukee Municipal Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 96
- 3) Section Numbers:
96.10
96.20
96.30
96.40
96.50
96.60
96.70
96.80
96.90
96.100
96.110
96.120
96.130
96.140
96. EXHIBIT A
- Adopted Action:
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 15 1/2 par. 48.17
- 5) Effective date of rules: March 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in agency's principal office: February 28, 1989
- 9) Notice of proposal published in Illinois Register:
September 23, 1988, 12 Ill. Reg. 15049.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
The Notice of Adopted Rules was changed to correct the reference to Section 96.40.
The table of contents page was changed to correct the reference to Section 96.40.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

The Section headings in the table of contents and text for Section 96.40 now match exactly.

Statutory citations were updated throughout the rule to reflect the 1987 edition of the Illinois Revised Statutes.

In Section 96.110(a), the Ill.Rev.Stat. citation was replaced with the correct citation to the Airport Zoning Act.

The Department complied with Ms. Griffiths' comment #4 by moving the two lines referred to on the page containing the Exhibit so that they follow the Exhibit label and heading.

The Department corrected the Notice to reflect that this Part deals with the establishment of an airport hazard area in the vicinity of Pal-Waukee Municipal Airport, not the Illinois Valley Regional Airport.

The Source Note was changed to, "13 Ill. Reg. _____, effective _____."

In the definition of "Airport Hazard", the word "tree" and the phrase, "or is otherwise hazardous to" has been denoted as statutory language.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued to JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules:

This Part establishes an "airport hazard area" in the vicinity of the Pal-Waukee Municipal Airport. This Part provides for the safety of aircraft and persons on the ground by governing surfaces and height limitations in respect to structures erected or altered in the vicinity of the airport.

16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Mr. Valjean Smith
Assistant Chief Counsel
Department of Transportation
Division of Aeronautics
One Langhorne Bond Drive, Capital Airport
Springfield, Illinois 62706
(217) 785-5831

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 96
PAL-WAUKEE MUNICIPAL AIRPORT
HAZARD ZONING

Section

96.10	Introduction
96.20	Definitions
96.30	Surfaces and Height Limitations
96.40	Use Restrictions
96.50	Non-Conforming Uses
96.60	Permits
96.70	Non-Conforming Structures or Uses or Trees Abandoned or Destroyed
96.80	Variances
96.90	Notice of Construction or Alteration
96.100	Enforcement
96.110	Appeal and Judicial Review
96.120	Penalties
96.130	Conflicting Regulations
96.140	Severability
EXHIBIT A	Proposed Construction Permit Request

AUTHORITY: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1987, ch. 15 1/2, par. 48.17).

SOURCE: Adopted at 13 Ill. Reg. 3384, effective March 1, 1989.

Section 96.10 Introduction

a) These are zoning provisions regulating and restricting the height of structures and trees, and otherwise regulating the use of property in the vicinity of the Pal-Waukee Municipal Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Pal-Waukee Municipal Airport zoning map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

b) These zoning regulations are adopted at the request of the Village of Wheeling and the City of Prospect Heights, as owner and operator of

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Pal-Waukee Municipal Airport, pursuant to the authority conferred by the Airport Zoning Act (Act) (Ill. Rev. Stat. 1987, ch. 15 1/2, pars. 48.1 et seq.). It is hereby found that an airport hazard endangers the lives and property of users of Pal-Waukee Municipal Airport and of occupants of land or property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Pal-Waukee Municipal Airport and the public investment therein.

1) Accordingly, it is declared:

- A) That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Pal-Waukee Municipal Airport;
 - B) That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented, and
 - C) that the prevention of these hazards should be accomplished to the extent legally possible, by the exercise of the police power, without compensation.
- 2) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land. (Section 11 of the Act)
- c) It is hereby determined by the Department of Transportation, Division of Aeronautics, State of Illinois, that the zoning regulations for Pal-Waukee Municipal Airport be adopted.

Section 96.20 Definitions

As used in this Part, unless the context otherwise requires:

"Airport" - The Pal-Waukee Municipal Airport located near Wheeling, situated in Section 13, Township 42 North, Range 11 East of the Third Principal Meridian, Cook County, Illinois; also known as Pal-Waukee Municipal Airport.

"Airport Elevation" - The established elevation of the highest point on the usable landing strip; the established airport elevation shall be 647 feet above mean sea level (AMSL).

"Airport Hazard" - Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking-off at the airport. (Section 3 of the Act)

"Airport Reference Point" - The point established as the approximate geographic center of the airport landing area and so designated as at

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Latitude 42° 06' 49.3" N and Longitude 87° 54' 05.5" W.

"Alteration" - Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" - These surfaces are defined in Section 96.30 of this Part.

"Construction" - The erection or alteration of any structure either of a permanent or temporary character.

"Department" - The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Flight Safety Coordinator" - An employee of the Department whose duties include, but are not limited to inspection of airports, review of complaints concerning uses of property in the vicinity of airports and inspection of structures, uses and trees in the vicinity of airports to determine if such structures, uses or trees impair the use of the airport by aircraft.

"Height" - The overall height of the top of a structure including any appurtenances installed thereon, for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum of which shall be mean sea level elevation unless otherwise specified.

"Landing Area" - The area of the airport used for the landing, taking-off or taxiing of aircraft including the unprepared surfaces adjacent to the existing runways.

"Non-Conforming Use" - Any structure, tree, or use of land which is lawfully in existence at the time this Part or an amendment thereto becomes effective and does not then meet the requirements of this Part.

"Non-Precision Instrument Runway" - A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved by the Federal Aviation Administration (FAA), or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document.

"Permit" - A permit issued by the Department of Transportation, Division of Aeronautics, pursuant to Section 96.60 of this Part.

"Person" - An individual, firm, partnership, corporation, company,

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics.

"Political Subdivision" - Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section 96.30 hereof.

"Precision Instrument Runway" - A precision instrument runway is one which uses an instrument landing system (ILS) or precision approach radar (PAR). A planned precision instrument runway is one for which a precision approach system is indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

"Runway" - An area of the airport designated for the landing or taking off of aircraft and consisting of turf or concrete, asphalt, oil and chip or other composite material that forms an all weather surface other than turf.

"Slope Ratio" - A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance for each one foot vertically.

"State" - The State of Illinois.

"Structure" - Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Tree" - Any object of natural growth.

"Utility Runway" - A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" - A grant of relief by the Department from the requirements of this Part, in accordance with Section 96.80.

"Visibility Minimums" - The lowest forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

"Visual Runway" - A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

Section 96.30 Surfaces and Height Limitations

a) Establishment and Creation

1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

2) Such airport imaginary surfaces are hereby created and established in order to carry out the provisions of this Part. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C) for Pal-Waukee Municipal Airport prepared by Crawford, Murphy & Tilly, Inc., Aurora, Illinois. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.

3) Except as otherwise provided in this Part, no structure or tree shall be erected, altered, allowed to grow, or maintained in any surface created by this Part to a height in excess of the height limit herein established for such surfaces.

4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:

b) Horizontal Surface

1) A horizontal plane 150 feet above the established airport elevation of 647 feet Above Mean Sea Level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- A) 5,000 feet for all runways designated as utility or visual;

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

B) 10,000 feet for all other runways.
2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.

2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

d) Primary Surface

1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

- A) 250 feet for utility runways having only visual approaches;
- B) 500 feet for utility runways having non-precision instrument approaches;

C) For other utility runways, the width is:

- i) 500 feet for visual runways having only visual approaches;
- ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;

iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

e) Approach Surface - A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

- A) 1,250 feet for that end of a utility runway with only visual approaches;

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- B) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
- C) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
- D) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
- E) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
- F) 16,000 feet for precision instrument runways.
- 2) The approach surface extends for a horizontal distance of:
- A) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways;
- B) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument runways other than utility; and
- C) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
- 3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- f) Transitional Surface - These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150 feet above the airport elevation which is 647 feet AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.
- g) Circling Approach Surface - This is a surface 200 feet above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Pal-Waukee Municipal Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
- h) Excepted Height Limitations - Nothing in this Part shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the ground.

Section 96.40 Use Restrictions

Notwithstanding any other provisions of this Part, no use may be made of land

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

or water within any surface established by this Part as follows:

- a) Electrical or Electronic Interference
- 1) In such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft.
- 2) If a complaint of such interference is received by the Department, a Flight Safety Coordinator shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the airport, the traffic patterns at the airport, the time of day and frequency of the interference.
- b) Flashing or Illuminated Structures
- 1) The installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots.
- 2) In determining whether such a hazard exists, a Flight Safety Coordinator shall consider factors which include, but are not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft, the proximity of the illuminated structure to the airport, and the traffic patterns at the airport.
- c) Smoke
- 1) A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
- 2) In determining if such an emission or discharge of smoke would interfere with the health and safety of pilots and the public, a Flight Safety Coordinator shall consider all relevant factors which include, but are not limited to the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day, and volume and type of aircraft which use the airport.

Section 96.50 Non-Conforming Uses

- a) Regulations Not Retroactive - Those surface regulations prescribed by this Part shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently prosecuted.
- b) Marking and Lighting

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 1) Notwithstanding the provisions of Section 96.50(a), the owner of any existing non-conforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the Village of Wheeling and the City of Prospect Heights.
- 2) In determining the necessity for such markers and lights, the Department shall consider all relevant conditions, including but not limited to, the traffic patterns, volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 96.60 Permits

- a) Future Uses - Except as specifically provided in subsections (1), (2), and (3) below, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface hereby created unless a permit therefor shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in this Part, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such surface.

- 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.

- 3) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.

- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits prescribed by this Part.

Section 96.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed

Whenever the Department following a Flight Safety Coordinator's personal inspection, observation and estimation, determines that a non-conforming structure or use or tree has been abandoned or more than 80 per cent demolished, destroyed, physically deteriorated, or decayed:

- a) No permit shall be granted by the Department that would allow such structure or use or tree to exceed the applicable height limit or otherwise deviate from these zoning regulations; and
- b) Whether application is made for a permit, or not, the Department may issue an order pursuant to Section 96.70(c), in cases where the remaining structure or use or tree constitutes a violation of this Part, compelling the owner of the non-conforming structure or use or tree, at his own expense, to lower, remove, reconstruct, or equip such structure or use or tree as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use or tree shall neglect or refuse to comply with such order within ten (10) days after notice thereof, the Department may proceed to have such structure or use or tree so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the state, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the state by suit in equity for the enforcement thereof as in the case of other liens. (Section 23 of the Act)
- c) The Department shall issue an order if it is determined that the non-conforming structure or use or tree interferes with traffic patterns at the airport. In making such a determination the Department shall consider factors which include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or instrument runways.

Section 96.80 Variances

- a) General - Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a variance from these zoning regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations. (Section 24 of the Act)

b) Marking and Lighting - Any Variance granted by the Department may be so conditioned as to require the owner of such structure or tree to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or tree.

c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the airport, the proximity of other non-conforming uses, structures or trees which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.

Section 96.90 Notice of Construction or Alteration

a) Construction or Alteration Requiring Notice - The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitations established herein by Section 96.30 with respect to Pal-Waukee Municipal Airport:

- 1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
- 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3200 feet in actual length.
 - B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200 feet in actual length.
- 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subsection (a)(1) or (a)(2) of this Section.
- 4) Any construction or alteration that would exceed a standard of

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

the Act or this Part.

b) Construction or Alteration Not Requiring Notice - No person is required to notify the Department for any of the following construction or alterations with respect to Pal-Waukee Municipal Airport:

- 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
- 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device less than 50 feet in height.
- 3) Any object that would be shielded by permanent and substantial existing structures of equal or greater height or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not obstruct or interfere with aircraft using the airport, or cause any additional adverse effect on airport operations by considering the height and location of the existing uses and structures.

c) Form and Time of Notice

- 1) Each person who is required to notify the Department under subsection (a) of this Section shall forward one (1) executed form set (in four copies) of the Department's Form No. DA-39 (for an example, see Exhibit A) to the Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
- 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
- 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in subsection (c)(2) above does not apply and the notice may be sent by telephone, teletype, or other expeditious means, with an executed Department Form No. DA-39 submitted within five (5) days thereafter. For example an emergency could include breaks in sewer lines, gas mains or power lines.

d) Acknowledgment of Notice

- 1) The Department will acknowledge in writing the receipt of such notice submitted under subsection (a) above within 30 days of receipt of such notice.
- 2) The acknowledgment will state that a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would under federal rules require lighting or marking standards as prescribed in Advisory Circular, Department of Transportation, Federal Aviation Administration (FAA), Subject: Obstruction, Marking and Lighting, AC No: 70/7460-1F, September 27, 1978, as provided in 14 CFR 77.11(b)(3), January 1, 1983, not including any later

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

amendment or editions, and information on how the structure should be marked and lighted in accordance with such FAA standards; and/or

- B) Would not exceed any standard of the Act or this Part; or
- C) Would exceed a standard of the Act, Aviation Safety Rules (92 Ill. Adm. Code 14), or this Part; or
- D) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 96.100 Enforcement

It shall be the duty of the Department to administer and enforce this Part. Applications for permits or variances, required by this Part to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

Section 96.110 Appeal and Judicial Review

- a) Appeal - Any person aggrieved by any decision of the Department made in Administration of this Part may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by the Act for proceedings before Board of Appeal shall govern such application to the Department. (Section 29 of the Act)
- b) Judicial Review - Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Cook County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled The Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.).

Section 96.120 Penalties

Each violation of this Part or of any regulations, orders, or rulings promulgated hereunder shall constitute an airport hazard and a petty offense, and such hazard shall be removed by proper legal proceedings and each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the Circuit Court of Cook County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto. (Section 34 of the Act)

Section 96.130 Conflicting Regulations

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Where a conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or trees, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 96.140 Severability

If any of the provisions of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED RULES

NOTICE OF EMERGENCY AMENDMENTS

Section 96.Exhibit A Proposed Construction Permit Request

ILLINOIS DEPARTMENT OF TRANSPORTATION
Division of Aeronautics

Name of Individual or Company

Making Request

Address

Street

City

Zip

Phone

Nature and Description of Proposed Structure:

<input type="checkbox"/>	New Construction
<input type="checkbox"/>	Alteration
Nearest Town:	
Location from Nearest Town	
Direction	Distance
Nearest Airport:	
From Nearest Point to a Runway	
Direction	Distance
Latitude	Longitude
'	"
'	"

Proposed Heights and Elevations

Site Elevation (Mean Sea Level)	Feet
Highest Point of Structure Above Ground	Feet
Overall Height above Mean Sea Level	Feet
Estimated Construction Starting Date	
Estimated Construction Completion Date	
Type of Structure:	Permanent
Will Structure be Obstruction Lighted:	Yes
Will Structure be Obstruction Marked:	Yes
Remarks:	Temporary
	No
	No

Date:	Title or Position:	Signature
-------	--------------------	-----------

The Illinois Department of Transportation is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Section 1 of the Airport Zoning Act (Ill.Rev.Stat. 1987, ch. 15 1/2, par. 48.1). Disclosure of this information is REQUIRED. Failure to provide any information will result in denial of the construction permit. This form has been approved by the Forms Management Center.

DA-39 (Rev. 1-87) IL 494-0765

1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Emergency Action:

113.253 Amendment

113.260 Amendment

4) Statutory Authority: Sections 3-1.2, 3-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1.2, 3-5 and 12-13)

5) Effective Date of Amendments: March 3, 1989

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date Filed in Agency's Principal Office: March 3, 1989

8) Reason for Emergency: The Department is filing this emergency rulemaking in order to increase the grant adjustment and shelter care rates resulting from the 1989 Supplemental Security Income (SSI) increase. The grant adjustment and shelter care rates are increased to ensure that beginning March 1989, the SSI increase is available to clients.

9) A Complete Description of the Subjects and Issues Involved: This rule revises the grant adjustment allowance and shelter care rates as a result of the increase in Social Security benefits. The Department is required under federal regulations to "pass-on" to AABD recipients the amount of the SSI cost of living increase. The Department does this by increasing the grant adjustment allowance, except for shelter care resident. For shelter care residents, the Department increases the shelter care rate (20 CFR 416.2095 - 416.2098).

10) Are there any proposed amendments pending to this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
113.5	New Section	December 16, 1988 (12 Ill. Reg. 20654)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section Number	Proposed Action	Illinois Register Citation
113.130	Amendment	September 30, 1988 (12 Ill. Reg. 15475)
113.253	Amendment	December 30, 1988 (12 Ill. Reg. 22299)
113.260	Amendment	December 30, 1988 (12 Ill. Reg. 22299)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: 217/782-1233

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.111 Protected Income
113.112 Earned Income
113.113 Budgeting Earned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment
113.116 Budgeting Earned Income For Contractual Employees
113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section	
113.120	Exempt Earned Income
113.120	Non-Exempt Unearned Income
113.122	Recognized Employment Expenses
113.125	Income From Work/Study/Training Programs
113.130	Earned Income From Self-Employment
113.131	Earned Income From Roomer and Boarder
113.132	Earned Income From Rental Property
113.133	Earned Income In-Kind
113.134	Payments from the Illinois Department of Children and Family Services
113.139	Assets
113.140	Assets
113.141	Exempt Assets
113.142	Asset Disregard
113.143	Deferral of Consideration of Assets
113.154	Property Transfers
113.156	Court Ordered Child Support Payments of Parent/Step-Parent
113.160	Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section	
113.245	Payment Levels for AABD
113.246	Personal Allowance
113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
EMERGENCY	
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care Rates

EMERGENCY

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section	
113.301	Grandfathered Cases
113.302	Interim Assistance
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.320	Redetermination of Eligibility
113.500	Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 113.253 Allowances for Increase in SSI Benefits
EMERGENCY (Cont'd.)

or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days)

Section 113.260 Sheltered Care Rates
EMERGENCY

Group II Counties	Needs Assessment	Group III Counties
\$481-30 495.30	0-7	\$493-30 507.30
486-30 500.30	8	499-30 513.30
491-30 505.30	9	505-30 519.30
496-30 510.30	10	511-30 525.30
501-30 515.30	11	517-30 531.30
506-30 520.30	12	523-30 537.30
511-30 525.30	13	529-30 543.30
516-30 530.30	14	535-30 549.30
521-30 535.30	15	541-30 555.30
526-30 540.30	16	547-30 561.30
531-30 545.30	17	553-30 567.30
536-30 550.30	18	559-30 573.30
541-30 555.30	19	565-30 579.30
546-30 560.30	20	571-30 585.30
551-30 565.30	21	577-30 591.30
556-30 570.30	22	583-30 597.30

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 113.260 Sheltered Care Rates (cont'd.)
EMERGENCY

561-30 575.30 23 589-30 603.30

566-30 580.30 24 595-30 609.30

a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will.

b) Group III Counties are Cook, DuPage, Kane, Lake and Will.

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

Agency Note: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Emergency Amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) The Heading of the Part: Solicitation for Charitable Payroll Deductions

2) Code Citation: 80 Ill. Reg. 2650

3) Section Numbers: Action:

2650.1	Refusal
2650.5	Refusal
2650.10	Refusal
2650.15	Refusal
2650.20	Refusal
2650.25	Refusal
2650.30	Refusal

4) Date Notice of Proposed Rules Published in the Register:

April 15, 1988, 12 Ill. Reg. 6871

5) Date JCAR Statement of Objection Published in the Register:

January 27, 1989, 13 Ill. Reg. 1256

6) Summary of Action Taken by the Agency:

The Department does not agree with the Joint Committee that the organization of past charitable solicitation programs constituted a prior implementation of the rules in question. Past programs were not based on any particular set of rules, but rather on the mutual consent of the charities and governmental agencies involved. In any case there is no modification of these rules which would address the concern of the Joint Committee. Therefore, the Department respectfully refuses to modify or withdraw the rulemaking but will adopt the rules adopting the suggested changes of the Joint Committee staff.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of Part: Delivery of Youth Services Funded by the Department of Children and Family Services

Code Citation: 89 Ill. Adm. Code 310

Section Numbers: 310.12

Date Originally Published in Illinois Register: July 22, 1988
12 Ill. Reg. 11935

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 310.12(b)(6) of the rules of the Department of Children and Family Services because the Department lacks the statutory authority to authorize the provision of services to homeless youth 18 through 20 years of age only at the discretion of providers.

Section 310.12(a) is amended by this rulemaking to require self-referred homeless youth under 18 years of age, who are absent from home without parental consent or beyond parental control, and are in a situation which poses immediate danger to the youths' safety, to be provided with youth services. Section 310.12(b)(6) is being amended to allow local boards or service systems (providers) to provide services to homeless youth 18-20 years of age in need of shelter or independent living services at the discretion of the provider.

Section 17 of AN ACT creating the Department of Children and Family Services (Ill. Rev. Stat. 1987, ch. 23, par 5017) requires in part that the Department "develop a State program for youth services which will assure that youth who come into contact or may come into contact with the child welfare and the juvenile justice systems will have access to needed community, prevention, diversion, emergency and independent living services. The term 'youth' means a person under the age of 21 years. The term 'homeless youth' means a youth who cannot be reunited with his or her family and is not in a safe and stable living situation."

The Department was asked to cite its statutory authority to adopt a rule which provides that services to homeless youth 18-20 years of age are

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF CHILDREN AND FAMILY SERVICES
(Continued Page 2)

discretionary. The Department was asked to explain why it has chosen to establish this form of 'triage by age' for these particular classes of individuals.

The Department has interpreted Section 17 to mean that the Division of Youth and Community Services only needs to ensure that youth who come into contact with the Juvenile system and the Department's system have access to such services, that such youth are generally under 18 in all cases. The Department asserts that these rules apply to providers serving Minors Requiring Authoritative Intervention (MRAI) youth who are up to 18, not 18 to 21. The Department finally asserts that the Department's Division of Youth Services has other programs that reach 18-21 year old homeless youth, as these rules do not.

The Department argues that it is fulfilling its statutory duty by mandating services to self-referred homeless youth under 18 years of age and allowing providers to provide such services to homeless youth 18 to 21 years of age in need of shelter and independent living services at their discretion. However, Section 17 of the Act does not make distinctions between self-referral, 18-20 years of age, under 18 years of age, whether the youth is a runaway, or beyond parental control. The Department's arguments for such "triage by age" do not appear to be based upon a statutory foundation. Section 17 requires that all youth (defined as under 21 years), including homeless youth (defined as unable to be reunited with his or her family and not in a safe or stable living situation), who come into contact or may come into contact, (emphasis added) with the Department or the Juvenile Justice system must be assured of access to needed services. The Department appears to have created an artificial barrier at 18, below which such persons may have mandatory access to such services, above which a provider may discretionarily provide needed services. The Department has interpreted its duty of assuring youth access to needed services on a basis of age rather than need, the Department's regulatory interpretation of administrative convenience which is not borne out by the authorizing statute.

Therefore, the Joint Committee objects to Section 310.12(b)(6) of the rules of the Department of Children and Family Services because the Department lacks the statutory authority to authorize the provision of services to homeless youth 18 through 20 years of age only at the discretion of providers.

OBJ11935

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of Part: Delivery of Youth Services Funded by the Department of Children and Family Services

Code Citation: 89 Ill. Adm. Code 310

Section Numbers: 310.12

Date Originally Published in Illinois Register: July 22, 1988
12 Ill. Reg. 11935

At its meeting on March 1, 1989, the Joint Committee recommended that the Department of Children and Family Services seek legislation relating to the above-referenced rulemaking. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee suggests to the Department of Children and Family Services that it seek legislation amending Section 17 of "An Act creating the Department of Children and Family Services (III. Rev. Stat. 1987, ch. 23, par. 5017) to clarify the Department's authority in regard to allowing providers to provide services to homeless youth 18 through 20 years of age at their discretion, rather than in all instances.

Section 310.12(a) is amended by this rulemaking to require self-referred homeless youth under 18 years of age, who are absent from home without parental consent or beyond parental control, and are in a situation which poses immediate danger to the youths' safety, to be provided with youth services. Section 310.12(b)(6) is being amended to allow local boards or service systems (providers) to provide services to homeless youth 18-20 years of age in need of shelter or independent living services at the discretion of the provider.

Section 17 of AN ACT creating the Department of Children and Family Services (III. Rev. Stat. 1987, ch. 23, par 5017) requires in part that the Department "develop a State program for youth services which will assure that youth who come into contact or may come into contact with the child welfare and the juvenile justice systems will have access to needed community, prevention, diversion, emergency and independent living services. The term 'youth' means a person under the age of 21 years. The term 'homeless youth' means a youth who cannot be reunited with his or her family and is not in a safe and stable living situation."

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATIONDEPARTMENT OF CHILDREN AND FAMILY SERVICES
(Continued Page 2)

The Department was asked to cite its statutory authority to adopt a rule which provides that services to homeless youth 18-20 years of age are discretionary. The Department was asked to explain why it has chosen to establish this form of 'triage by age' for these particular classes of individuals.

The Department has interpreted Section 17 to mean that the Division of Youth and Community Services only needs to ensure that youth who come into contact with the Juvenile system and the Department's system have access to such services, that such youth are generally under 18 in all cases. The Department asserts that these rules apply to providers serving Minors Requiring Authoritative Intervention (MRAI) youth who are up to 18, not 18 to 21. The Department finally asserts that the Department's Division of Youth Services has other programs that reach 18-21 year old homeless youth, as these rules do not.

The Department argues that it is fulfilling its statutory duty by mandating services to self-referred homeless youth under 18 years of age and allowing providers to provide such services to homeless youth 18 to 21 years of age in need of shelter and independent living services at their discretion. However, Section 17 of the Act does not make distinctions between self-referral, 18-20 years of age, under 18 years of age, whether the youth is a runaway, or beyond parental control. The Department's arguments for such "triage by age" do not appear to be based upon a statutory foundation. Section 17 requires that all youth (defined as under 21 years), including homeless youth (defined as unable to be reunited with his or her family and not in a safe or stable living situation), who come into contact or may come into contact, (emphasis added) with the Department or the Juvenile Justice system must be assured of access to needed services. The Department appears to have created an artificial barrier at 18, below which such persons may have mandatory access to such services, above which a provider may discretionarily provide needed services. The Department has interpreted its duty of assuring youth access to needed services on a basis of age rather than need, the Department's regulatory interpretation of administrative convenience which is not borne out by the authorizing statute.

Therefore, the Joint Committee suggests to the Department of Children and Family Services that it seek legislation amending Section 17 of "An Act creating the Department of Children and Family Services (III. Rev. Stat. 1987, ch. 23, par. 5017) to clarify the Department's authority in regard to allowing providers to provide services to homeless youth 18 through 20 years of age at their discretion, rather than in all instances.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

STATE BOARD OF EDUCATION

Heading of Part: Pupil Transportation Reimbursement
Code Citation: 23 Ill. Adm. Code 120
Section Numbers: 120.130

Date Originally Published in Illinois Register:

November 18, 1988
12 Ill. Reg. 19266

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 120.130 of the rules of the State Board of Education entitled "Pupil Transportation Reimbursement" (23 Ill. Adm. Code 120), because the State Board has implemented these amendments prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Sections 5(a) and 5.01(c) of the IAPA.

Section 120.130 implements the State Board of Education's policy regarding reimbursement of school districts for costs associated with the installation of 28-inch seat backs in all buses which it has purchased, leased, or contracted for during the school year. Districts receive reimbursement based upon the number of buses times the cost equalling the district's claim. Reimbursement is proportionately based upon the claim amount and the amount appropriated by the legislature.

The State Board was asked when it began reimbursing school districts for 28-inch seat back heights as authorized by Public Act 84-1334, effective September 9, 1986. The Board responded that it began the program of retrofitting buses with 28-inch seat backs in Fiscal Year 1988, although Public Act 84-1334 was effective September 1986. Reimbursement is provided for the prior year's costs based upon the claims which demonstrate the districts' costs. The Board further stated that while the authorization for such seat back reimbursement was provided by Public Act 84-1334, appropriations for reimbursement were not adopted until Fiscal 1988. The State Board initiated this rulemaking (12 Ill. Reg. 19266) on November 18, 1988, one year after it began reimbursing school districts for 28-inch seat back installation and two years from the Public Act's effective date. Relying upon the statute's

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

STATEMENT OF OBJECTION

STATE BOARD OF EDUCATION
(Continued Page 2)

STATE BOARD OF EDUCATION
(Continued Page 3)

authorization and the State Board's preference not to allow the appropriated monies to lapse at the end of Fiscal Year 88, the State Board stated it had no choice but to reimburse school districts absent rules on the subject. It was the Board's opinion that resort to emergency rulemaking procedures would have been found objectionable. The State Board advised that its rulemaking activities take over a year for a rule to be adopted.

The State Board asserted that, faced with the choice of violating the Illinois Administrative Procedure Act or lapsing funds appropriated for 28-inch seat back reimbursement, the Board chose to reimburse districts rather than review its rulemaking activities to comply with Sections 5(a) and 5.01 of the IAPA. However, such procedures are implementation of rules which have not been adopted under the general rulemaking requirements of Sections 5(a) and 5.01 of the IAPA.

Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rules, each agency shall accomplish the actions required by Section 5.01, 5.02 and 5.03, whichever is applicable" (emphasis added). In this instance the State Board chose to implement its rules under the general rulemaking procedures of Section 5.01. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The State Board has failed to comply with the requirements of Sections 5(a) and 5.01 prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. As previously stated, the State Board admits that it began reimbursing school districts in Fiscal Year 1988, prior to the conclusion of the general rulemaking procedures of Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to Section 120.130 of the rules of the State Board of Education entitled "Pupil Transportation Reimbursement" (23 Ill. Adm. Code 120), because the State Board has implemented these amendments prior to completion of required rulemaking

procedures of the Illinois Administrative Procedure Act, in violation of Sections 5(a) and 5.01(c) of the IAPA.

OBJ19266

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF LOTTERY

Heading of Part:

Lottery (General)

Code Citation:

11 Ill. Adm. Code 1770

Section Numbers:

1770.10, 1770.20, 1770.30, 1770.40, 1770.50, 1770.60,
1770.70, 1770.80, 1770.90, 1770.100, 1770.110,
1770.120, 1770.130, 1770.140, 1770.150, 1770.160,
1770.170, 1770.180, 1770.190, 1770.200

Date Originally Published in Illinois Register:

June 17, 1988
12 Ill. Reg. 10298

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the Department to respond within 90 days of the receipt of this Statement of Objection shall constitute a refusal to amend or repeal this rule.

The specific objections are as follows:

Objection 1

The Joint Committee objects to Section 1770.40(a) of the Department of the Lottery's proposed rulemaking entitled "Lottery (General)" (11 Ill. Adm. Code 2770.40) because, the Department has failed to provide sufficient standards governing how the Director will determine that the six enumerated provisions of Sections 1770.40(a)(2)-(7) have occurred, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Section 1770.40(a) states the Director may revoke a license without prior notice of hearing upon determining that any of seven events has occurred: (1) that a licensee has been guilty of a felony or any crime involving fraud, misrepresentation, moral turpitude or failure to pay taxes; (2) that a licensee or his agent has been arrested for bookmaking or any other illegal gambling; (3) that the licensee has been found guilty of fraud or misrepresentation; (4) that the agent has commingled and has failed to segregate lottery funds; (5) that the licensee has failed to take reasonable security precautions; (6) that the licensee has ceased to offer lottery products for sale; or, (7) that the licensee's character and general fitness are such that his participation as an agent is inconsistent with the public interest, convenience and necessity.

The Department was asked to explain how it makes the findings described above, and in the event that such a finding has been made, what standards will be used in determining whether an immediate license

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF LOTTERY
(Continued Page 2)

revocation will ensue. The Department stated that its marketing representatives "know their territory," that they will "hear" if another licensee has had some legal difficulty. The Department stated agents are visited at least once every two weeks by Department representatives, and invariably it will be informed of an event by some party in the course of routine visits conducted by agency officials.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) states that "[e]ach rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected."

The Department's explanations do not remedy the deficiencies in rules. The Department conceded that innuendo could be sufficient to trigger revocation. The following issues are unresolved among others: (1) How does the Department determine that an agent has commingled lottery funds? (2) How does a licensee know what are "reasonable" security precautions" and how does the Department reach a finding the licensee has failed to live up to this "standard"? (3) How are licensees advised, and how does the Department reach a finding that the "licensee's character and general fitness are such that this participation as an agent is inconsistent with the public interest, convenience and necessity"?

The Department explained that such issues are for the Director to resolve. It was noted that any approved licensee and the Department would ultimately decide whether there was a failure to comply with the above stated provisions by means of the administrative review process. The Department declined to prescribe its standards in its rulemaking.

Another problem with the rules is that there are no standards in the rules which would compel the Lottery's marketing representatives to act in a consistent fashion. One representative may act on a certain piece of information while another may not. When rules comply with Section 4.02, those regulated will be assured, to the extent possible that the regulator will act with consistency.

The Department offered to amend Section 1770.40 by deleting the first sentence, and inserting in lieu thereof the following: "Pursuant to Section 10.1 of the Act, the Director must act to assure that no person whom the Act declares to be 'ineligible for a license' is granted a license and that no licensed sales agent who becomes 'ineligible' under the Act

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 3)

is allowed to remain as a licensed sales agent." In addition the Department agreed to amend subsection (a)(1) to read as follows:"

That an agent has been convicted of a felony or any crime involving fraud, misrepresentation, moral turpitude or failure to pay taxes.

The amendment to Section 1770.40(a)(1) clarifies that crimes involving fraud and misrepresentation are grounds for license sanctions, while retaining the original text of subject (a)(3) that lists a factor for license action as whether the licensee was found guilty of "fraud or misrepresentation." Despite these agreements for modification of the rules, the Department's standards for reaching the findings of fact set out in Section 17740(a) still fall short of the specificity called for by Section 4.02 of the IAPA.

Therefore, the Joint Committee objects to Section 1770.40 of the Department of the Lottery's proposed rulemaking entitled "Lottery (General)" (11 Ill. Adm. Code 2770.40) because, the Department has failed to provide sufficient standards governing how the Director will determine that the six enumerated provisions of Sections 1770.40(a)(2)-(7) have occurred, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Objection 2

The Joint Committee objects to Section 1770.50 of the proposed rulemaking of the Department of Lottery entitled "Lottery (General)" (11 Ill. Adm. Code 1770) because, contrary to the requirements of Section 4.02 of the Illinois Administrative Procedure Act, the rule fails to state the standards used by the Department in determining whether to deny, revoke or suspend a license, as clearly and precisely as is practicable under the conditions to inform fully those affected.

Section 1770.50 of the rules of the Department of the Lottery states the Director of the Department may deny, revoke, or suspend a license (after a hearing) for any of 17 enumerated causes. These events include failure to meet the conditions of licensing set forth in Section 1770.60; fraud, deceit, misrepresentation or conduct prejudicial to public confidence in the lottery; misinterpretation or failure to disclose a material fact on any report or application required to be submitted to the Department or the Lottery Control Board; failure to promptly produce records for the Department or other named officials; and, failure to

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 4)

comply with Department directives; upon a finding by the Director that the public convenience is adequately served by other licensees; upon a determination that the license is insolvent; or, failure to display lottery material in a manner that can be readily seen by the public.

Section 4.02 of the Illinois Administrative Procedure Act states that "each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power." Such standards shall be stated as precisely and clearly as practicable under the conditions to inform fully those persons affected."

The Department was asked to provide standards governing how it would make the licensing determinations called for by subsections (a)-(q) of Section 1770.50 for each element of the subsections in which the Director would have to make a finding of fact involving the existence of a particular circumstance or state of mind of a licensee.

The Department explained that such issues are for the Director to resolve, but that the Department will ultimately decide what constitutes a failure to comply with the above-stated provisions by means of its administrative review process. The Department declined to prescribe its policy regarding the relative severity of sanctions it will pursue, or the types of offenses warranting such action by means of administrative rules, nor has it enunciated standards by which the affected class may even suspect, much less know, of the Department's policies.

The Department states in Section 1770.50 that severe administrative action may be taken if any of 17 enumerated events occur. The trouble is, that the events are so broadly stated that a licensee is not made aware of the specific events that will trigger licensing sanctions, or the standards the Department plans to employ in reaching such findings. How, for example, will the Department make a finding that a licensee has engaged in "conduct prejudicial to public confidence in the lottery" (subsection (c))? What behavior falls under that category? Beyond offering the example of businesses commonly perceived as "adult" entertainment, the Department provided no other examples.

In correspondence dated February 21, 1989, the Joint Committee received an agreement from the Department deleting the original text of subsection (m) and modifying it to more accurately reflect its policy with respect to unilateral termination of a license by the Department [See Resolved Issues and Problems Discussion Number 39]. Besides this revision, the Joint Committee received no other proposals for amendment of Section 1770.50.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF LOTTERY
(Continued Page 6)

Therefore, the Joint Committee objects to Section 1770.50 of the proposed rulemaking of the Department of Lottery entitled "Lottery (General)" (11 Ill. Adm. Code 1770) because, the Department has failed to provide standards governing how it will make findings that the seventeen enumerated events listed have occurred, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Objection 3

The Joint Committee objects to Sections 1770.60(g) of the proposed rules of the Department of Lottery entitled "Lottery (General)" because, by conditioning licensure on compliance with "directives" or "instructions" issued by the Director concerning such topics as display of promotional materials the rules are incomplete.

Section 1770.60 of the Department's rulemaking is captioned "Conditions of Licensing." If lists twenty conditions of licensure, more particularly, that licensees shall maintain promotional displays and make payment by settlement dates stated in Department directives or by Department instructions (subsection (g)).

The subject matter of the above described rule provisions concerns promotional display provisions. The Department conceded it has traditionally promulgated such policies by means of "directives."

In response to questions as to whether policies communicated to licensed lottery ticket vendors constitutes a "rule" within the meaning of Section 3.09 of the IAPA, the Department made the following response: The policies contained in the Department's directives to its licensees do not implement law, therefore, they are not the proper subject of rulemaking under the IAPA. Further, the Department repeated that the practical effect of deeming such policies must be filed as rules under Section 5.01 of the IAPA would be to compel the Department to cease operations of many of its games because market conditions and business considerations prevent the Department from adopting such directives or policies as rules within the time periods contemplated for adoption of rules pursuant to the IAPA. The Department argued that its operations among state government activities are unique, and therefore, the procedures of the IAPA should not be deemed applicable.

Section 3.09 defines as a rule "each agency statement of general applicability that implements, applies, interprets or prescribes law or policy. . . ." The imposition of the policies described above with reference to promotional displays enunciate and implement agency policy.

The Department's governing Act states the Department shall promulgate rules for the administration of the State lottery in accordance with the provisions of the IAPA (Ill. Rev. Stat. 1987, ch. 120, par. 1157.1). Section 7.2 of the Act states the rules of the Department may include such topics as the types of games to be offered, manner of selecting prize winners, the type(s) of locations at which lottery products may be sold, the method of selling lottery tickets, the amount of compensation to be paid to lottery ticket licensees, and other matters (Ill. Rev. Stat. 1987, ch. 120, par. 1157.2).

Section 4(c) of the IAPA states that "[n]o agency rule is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection and filed with the Secretary of State as required by this Act." The policies contained in the Department's directives should be promulgated as rules under Section 5 of the IAPA before the policies are invoked by the Department.

In order to address concerns raised by the Joint Committee, the Department provided amendments on February 21, 1989 that appeared to remedy some of the perceived shortcomings in the Department's rules. The Department agreed to delete many of the references to "directives and instructions" of the Department in subsections (b), (c), (h), (s), (i) and (j) [See Resolved Issues and Problems Question number 40].

Therefore, the Joint Committee objects to Sections 1770.60(g) of the proposed rules of the Department of Lottery entitled "Lottery (General)" because, by conditioning licensure on compliance with "directives" or "instructions" issued by the Director concerning such topics as display of promotional materials and reporting of theft or loss immediately, the Department has failed to properly prescribe its policies affecting external parties in a legally valid manner, in violation of Sections 4(c), 5(a) and 5.01 of the IAPA.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF LOTTERY
(Continued Page 7)

Objection 4

The Joint Committee objects to Section 1770.60(s) of the Department of Lottery's rules entitled "Lottery (General)" (11 Ill. Adm. Code 1770.60(s)) because, by requiring the use of an electronic funds transfer system by some parties licensed by the Department without prescribing agency policies relating to payment, collection deadlines, reporting procedures, selection of depository banks or a conversion schedule of licensed agents subject to EFT system requirements, the rules are incomplete.

As a condition of licensure as a licensed lottery ticket sales agent, the Department provides in Section 1770.60(s) as proposed for amendment during the second notice period for this rulemaking, that each licensee shall establish and maintain a bank account for deposit and transfer of weekly lottery fund settlements by means of an Electronic Fund Transfer System. Agents needing instructions would have "example forms" furnished by the Department.

The Department was asked whether it planned, or would prepare, additional rulemaking concerning such an electronic funds transfer system. In response, the Department stated such policies need not be included as rules. The Department explained that the above-described process is "coming on line," and explained the process in the following manner: lottery agents set up electronic funds transfer (EFT) accounts in a local bank, whereby funds are electronically deposited by the agent on Monday morning of each week. Funds are then transferred to a receiving bank electronically on the following Wednesday, which are then in turn transferred to a Chicago bank, and ultimately to the State Treasurer. There is no announced policy in these rules, or any other rule, regarding payment; collection deadlines; reporting procedures; selection of depository banks; or a conversion schedule by which lottery sales agents are to be included in the system.

Section 3.09 of the IAPA defines "rule" as a statement of agency policy affecting external parties. The imposition of the requirement of electronic funds transfer of lottery proceeds and procedures for compliance with such a policy fall within the definition of "rule." Despite the existence of rules adopted by the Commissioner of Banks and Trust Companies (38 Ill. Adm. Code 310) governing EFT systems, the particular needs of the Department of Lottery would appear to require rules prescribing its policies.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF LOTTERY
(Continued Page 8)

Therefore, the Joint Committee objects to Section 1770.60(s) of the Department of Lottery's rules entitled "Lottery (General)" (11 Ill. Adm. Code 1770.60(s)) because, by requiring the use of an electronic funds transfer system by some parties licensed by the Department without prescribing agency policies relating to payment, collection deadlines, reporting procedures, selection of depository banks or a conversion schedule of licensed agents subject to EFT system requirements, the rules are incomplete.

Objection 5

The Joint Committee objects to Section 1770.90 of the proposed rulemaking of the Department of Lottery entitled "Lottery (General)" (11 Ill. Adm. Code 1770.90) because, by failing to provide standards governing how the Department will determine that serious or repeated delinquencies may result in suspension or revocation of a license or deactivation of a terminal, how the Department will determine that an agent has failed to segregate Lottery funds, how the Department will determine that delinquencies were reasonably justified, how Department officials will review the status of a delinquent agent's terminal status, and whether rapid revocation is warranted because the Director has determined that termination is in the "best interest of the Lottery", the Department has failed to provide standards governing its exercise of discretion in making the above described licensing determinations, in violation of Section 4.02 of the IAPA.

Section 1770.90 of the Department's rulemaking outlines policies concerning payment by licensees, settlement dates, and delinquent accounts. Section 1770.90 states that serious or repeated delinquencies may result in suspension or revocation of a license or deactivation of a terminal; that the Department shall revoke without notice if a delinquency exists as a result of licensee's failure to segregate Lottery funds; that if the Department determines that delinquencies were "reasonably justified", the Department will reinstate the agent; that Department officials will review the status of delinquent agents to determine if a terminal ought to be reactivated, and, that rapid revocation of an agent's terminal license may occur if the Director determines that termination is in the "best interest" of the Lottery.

The Department was asked by the Joint Committee to provide standards governing its exercise of discretion in making the licensing determinations stated above. The Department declined to enumerate standards.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 9)

The Department has stated in response to Joint Committee inquiries that reaching such findings as described above is a subjective exercise made by marketing representatives and affirmed by the Department, but that the rights of the licensees are safeguarded by the extensive procedural safeguards offered by its hearing rules (11 Ill. Adm. Code 1710). The Department stated that reaching such a finding may be more properly reached in an administrative proceeding, because it cannot omnisciently anticipate every circumstance in which a licensee has failed to promote better products, "display better promotional materials," or in which termination is in the best interest of the Lottery etc., in its rulemaking.

The Department declined to provide standards governing how Department officials would review the status of a delinquent agent's terminal, stating payment of delinquent accounts according to that Section's Table was the only practical consideration that would be given any positive weight. The Department explained it has access to other sources of information such as law enforcement agencies, collection agencies, credit bureaus, etc., on which it will frequently base its decisions. The Department reported such entities will provide critical information, but frequently have no legally admissible evidence or refuse to put such findings in writing. For security purposes, the Department of the Lottery states such factors will not be included in its rulemaking.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) states that "[e]ach rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected."

The Department has failed to advise those affected of an element of its payments on accounts policies: what are its policies concerning delinquent account holders, and what standards does it employ in making the licensing decisions called for by Section 1770.90. The Department has declined to express its policies or announce its evaluation standards. It states licensing sanctions may be applied to delinquent account holders, but fails to set the parameters of its exercise of its licensing remedies.

Therefore, the Joint Committee objects to Section 1770.90 of the proposed rulemaking of the Department of Lottery entitled "Lottery (General)" (11 Ill. Adm. Code 1770.90) because, by failing to provide standards governing how the Department will determine that serious or repeated delinquencies may result in suspension or revocation of a license or

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 10)

deactivation of a terminal, how the Department will determine that an agent has failed to segregate Lottery funds, how the Department will determine that delinquencies were reasonably justified, how Department officials will review the status of a delinquent agent's terminal status, and whether rapid revocation is warranted because the Director has determined that termination is in the "best interest of the Lottery", the Department has failed to provide standards governing its exercise of discretion in making the above described licensing determinations, in violation of Section 4.02 of the IAPA.

Objection 6

The Joint Committee objects to Section 1770.150 of the rules of the Department of the Lottery because, by failing to prescribe policies to licensees by administrative rules concerning such topics as ticket returns, commission payments to be paid licensees, payment of bonuses, deposit of funds and filing of reports, the rules are incomplete.

Section 1770.150 of the Department's rulemaking establishes significant policy statements concerning its relationship with its licensees. Most of the Department's policies toward its licensed ticket agents are announced by means of "directives" or are set out in "game rules," rather than by administrative rules adopted pursuant to Section 5.01 of the IAPA.

Section 1770.150's most important elements, for purposes of this recommendation, are as follows (alphabetical and numerical captions correspond to subsections of the Department's rulemaking): (b), that no agent may accept ticket returns except as stated in the "rules" or with the specific approval of the Director, and, (d) and (e), that policies concerning payment of bonuses to licensees are to be established by the Director and communicated, (if at all) by newsletters and (f), that policies regarding the deposit of funds and filing of reports are transmitted to agents by means of directive, and, (g) that tickets are to be returned within the time frames specified by the Department.

The Department was asked to explain why it failed to prescribe such critical policy measures to its licensees by means of administrative rules adopted pursuant to Section 5.01 of the IAPA.

In response to questions as to whether these policies constitute "rules" within the meaning of Section 3.09 of the IAPA, the Department made the following response: The policies contained in the Department's directives to its licensees do not implement law, therefore, they are not the proper subject of rulemaking under the IAPA. The Department advised that the

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF LOTTERY
(Continued Page 11)

practical effect of deeming such policies as rules would be to compel the Department to cease operations of many of its games because market conditions and business considerations prevent the Department from adopting such directives as rules. The Department argued that its operations among state government activities are unique, and the procedures of the IAPA should not be deemed applicable. The Department also stated that the various provisions are unique to particular games, and are dependent on external factors most commonly, claims and awarding of significant classes of prizes for a particular game, thereby causing that particular game to be ceased; and, marketing constraints imposed by the particular circumstances of a game linked to an external event or circumstance, such as the Department's "Triple Crown" game or "Holiday Cash" game.

The Department's governing Act states the Department shall promulgate rules for the administration of the State lottery in accordance with the provisions of the IAPA (Ill. Rev. Stat. 1987, ch. 120, par. 1157.1). Section 7.2 of the Department's governing Act states the rules of the Department may include such topics as the types of games to be offered, manner of selecting prize winners, the types of locations at which lottery products may be sold, the method of selling lottery tickets, (and, most particularly the amount of compensation to be paid to lottery ticket licensees) (Ill. Rev. Stat. 1987, ch. 120, par. 1157.2).

Section 3.09 of the IAPA defines "rule" as follows: "rule" means each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy.... It would appear that the above referenced provisions of the Department are "rules" as defined by Section 3.09.

Such policies as the rate of commission paid licensees, (including bonus provisions), the Department's policies regarding ticket returns (either by the public or licensees), are "rules" as defined by Section 3.09 of the IAPA. The policies of the Department cannot be "invoked" by means of directives.

The Department, in response to a request from the Joint Committee, submitted copies of all currently effective "directives." An examination of the ten directives disclose that eight relate to what is referred to by the Department as "game rules" (the announcement of a new game, the alteration of a game's rules, the termination of a new game, [see Recommendation 12]). Two directives relate to instruction of agency policies to licensees; [numerical captions correspond to directive numbers]: (1) announcement that some licensees are to comply with an

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF LOTTERY
(Continued Page 12)

electronic fund transfer system payment of accounts (see Recommendation 8); and (2) prize claim periods. It seems upon a review of the directives that not only has the Department failed to prescribe its policies in regard to licensees in administrative rules, it has failed to announce them in directives either.

In 1988 the Auditor General made a finding that the Department revise its "rules" pursuant to the IAPA. The Department has proposed this rulemaking in response to the Auditor General's finding. However, a review of this rulemaking has disclosed that the Department's rules are still incomplete in many respects.

Therefore, the Joint Committee objects to Section 1770.150 of the rules of the Department of the Lottery because, by failing to prescribe policies to licensees by administrative rules concerning such topics as ticket returns, commission payments to be paid licensees, payment of bonuses, deposit of funds and filing of reports, the rules are incomplete.

Objection 7

The Joint Committee objects to Sections 1770.170 and 1770.190(i) of the Department of the Lottery's proposed rulemaking entitled "Lottery (General)" because, by failing to promulgate its policies regarding such topics as instant ticket game rules; preliminary and grand prize drawings; the offering of passive lottery games; computer generated games and "Lotto" game rules under the guise of "game rules" or "directives," the Department has failed to properly prescribe its policies affecting its licensees and members of the public in a legally valid manner, in violation of Sections 4(c), 5(a) and 5.01 of the Illinois Administrative procedure Act and Sections 7.1 and 7.2 of the Department's governing Act.

Section 1770.170 of the Department's rulemaking is generally captioned as "Lottery Games." It is an effort by the Department to prescribe many of its policies by what the Lottery classifies as "game rules." Section 1770.170's most important elements, for purposes of this recommendation, are as follows [alphabetical and numerical captions correspond to subsections of the Department's rulemaking]: (b), the Director may authorize instant ticket games in which winners are determined as provided by the "rules" of the game, which may include preliminary and grand prize drawings; (b) preliminary drawings and grand prize drawings are to be conducted in accordance with the "rules" of the game; (c) the Department may offer passive lottery games in which winners shall be determined . . . in accordance with the prize structure

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 13)

established by game "rules"; and (d), the Department may offer computer generated games, for which drawings are held in accordance with game "rules" and excludes the "Lotto" game with respect to the prize pool available, "or any variation there in." It should be noted Section 1770.190(i) refers to prize structure for "parimutuel games" as described in "game rules."

The Department was asked why its "game rules" for various games, drawings, passive lottery games, computer generated games, and its "Lotto" game were not adopted as administrative rules pursuant to Sections 5.01 of the IAPA. The Department stated that it is not practical to adopt such provisions through rulemaking.

The Department staff cited Section 19 of its governing Act to indicate that the Department may prepare, promulgate, implement and enforce game "rules" without complying with the rulemaking provisions of the Illinois Administrative Procedure Act. The Department cites in support of this position that the practice in the industry is to adopt "game rules" without compliance with the procedures of the IAPA. The Department states that many of its "game rules" are merely instructions, and that marketing and business necessity preclude it from adopting "game rules" via the provisions of the IAPA. The Department insisted that its "game rules" (whether one picks 3 numbers or four, by what date, what numbers may be picked, etc.,) particularly with regard to its instant games, could not be adopted as administrative rules pursuant to Section 5.01 of the IAPA.

The Department stated that some of its games (Triple Crown and Holiday Cash, for example), are dependant on seasonal or external factors (as well as being proposed to the Department by outside commercial interests) and could not be adopted within the time constraints imposed by such external elements.

The Department's position that it is not subject to the IAPA with respect to "game rules" does not withstand scrutiny. Section 7.1 of the Department's Act states:

The Department shall promulgate such rules and regulations governing the establishment and operation of a State lottery as it deems necessary to carry out the purposes of this Act. Such rules and regulations shall be subject to the provisions of the Illinois

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 14)

Administrative Procedure Act (emphasis added).

Section 7.2 of the Department's Act states, in relevant part:

The rules and regulations of the Department may include, but shall not be limited to, the following:

1) The types of lotteries to be conducted;

6) The frequency of the drawing or selections of winning tickets or shares, without limitation;

It would appear that there are certain elements of Lottery games that should be adopted as rules. The basic structure of such games as the lotto game or the pick four game or the Daily game could and should be detailed in regulations. Such rules would bring the Department into compliance with the Illinois Administrative Procedure Act, and in addition could be drafted so that the Department could maintain the needed flexibility to respond quickly to conditions.

The Department's argument that section 19 of the Act gives it authority to adopt game rules without complying with the Administrative Procedure Act is misplaced. The reference to game rules in Section 19 must be read in conjunction with 7.1 and 7.2 of the Act which governs rulemaking. It seems clear that when all these provisions are read together in the context of the definition of rule as that term is defined in Section 3.09 of the IAPA, the games rules should be adopted pursuant to Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to Sections 1770.170 and 1770.190(i) of the Department of the Lottery's proposed rulemaking entitled "Lottery (General)" because, by failing to promulgate its policies regarding such topics as instant ticket game rules; preliminary and grand prize drawings; the offering of passive lottery games; computer generated games and "Lotto" game rules under the guise of "game rules" or "directives," the Department has failed to properly prescribe its policies affecting its licensees and members of the public in a legally valid manner, in violation of Sections 4(c), 5(a) and 5.01 of the Illinois

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 15)

Administrative procedure Act and Sections 7.1 and 7.2 of the Department's governing Act.

Objection 8

The Joint Committee objects to Section 1770.190(d), (j), and (k) of the rules of the Department of the Lottery entitled "Lottery (General)" (11 Ill. Adm. Code 1770.190) because, by failing to prescribe its policies concerning prize claims periods established by Department game rules and play instructions, the Department has failed to implement its policies in a legally valid manner, in violation of Sections 7.1 and 7.2 of the Illinois Lottery Law.

Section 1770.190 concerns payment of prizes and claims procedures regarding winning prizes. Section 1770.190(d) (now (b)) states claims for all prizes in the amount of \$600 or less may be claimed by presentation to licensees within such agent claims periods as may be established by the Director in game rules for the various games. Section 1770.190(j) (now (h)) states prizes must be claimed within a claim period set by Departmental directive and the game rules establishing claims periods for the various games offered by the Department. Section 1770.190(k) (now (i)) states winning tickets which provide entry into a Preliminary General Prize drawing for any instant game must be filed with the Department by the deadline established in the game rules.

The Department was asked why its policies concerning claims periods were not adopted as administrative rules pursuant to Section 5.01 of the IAPA (whether such policies are in "directives" or "game rules"). The Department stated it is not required to do. The Department cited Section 19 of the Act, which states that "each claim period shall be established in 'game rules' by the Director, and included in written play instructions which shall be made available to all players through sales agents licensed to sell game tickets or shares."

The Department cites in support of its position that the practice in the industry is to adopt "game rules" without compliance with the procedures of the IAPA. The Department states that many of its "game rules" are merely instructions, and that marketing and business necessity preclude it from adopting "game rules" via the provisions of the IAPA. The Department insisted that its "game rules" (whether one picks 3 numbers or four, by what date, what numbers may be picked, etc.) particularly with regard to its instant games, could not be adopted as administrative rules pursuant to Section 5.01 of the IAPA.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 16)

Section 3.09 of the IAPA defines a rule as "each agency statement of general applicability that implements, applies, interprets or prescribes law or policy. . . ." Despite the Department's assertion to the contrary, it seems clear that the policies noted above are rules as that term is defined in the IAPA.

The Department's position that it is not subject to the IAPA with respect to "game rules" does not withstand scrutiny under provisions of its own Act. Section 7.1 of the Department's Act states:

The Department shall promulgate such rules and regulations governing the establishment and operation of a State lottery as it deems necessary to carry out the purposes of this Act. Such rules and regulations shall be subject to the provisions of the Illinois Administrative Procedure Act (emphasis added).

Section 7.2 of the Department's Act states, in relevant part:

The rules and regulations of the Department may include, but shall not be limited to, the following:

- 1) The types of lotteries to be conducted;
 - 2) The price, or prices, of tickets or shares in the lottery;
 - 3) The numbers and sizes of the prizes on the winning tickets or shares;
 - 4) The manner of selecting the winning tickets or shares;
 - 5) The manner of payment of prizes to the holders of winning tickets or shares;
 - 6) The frequency of the drawing or selections of winning tickets or shares, without limitation;
- 10) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among (i) the payment of prizes to the

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 17)

holders of winning tickets or shares,

Not only does the IAPA contemplate that the Department's "game rules" be adopted as administrative rules, but the express terms of the Department's governing Act state that the type of games (subsection 1), types of prizes (subsections 2 and 3), and the manner of prize selection and payment (subsections 4, 5 and 6), (emphasis added) should be adopted pursuant to the IAPA.

On February 21, 1989, the Department proposed amendments to Section 1770.90 to address concerns raised by the Joint Committee. The changes proposed by the Department did not address the issues or topics raised in this Recommendation, however.

Therefore, the Joint Committee objects to Section 1770.190(d), (j), and (k) of the most recently amended proposed rules of the Department of the Lottery entitled "Lottery (General)" (11 Ill. Adm. Code 1770.190) because, by failing to prescribe its policies concerning prize claims periods established by Department game rules and play instructions, the Department has failed to implement its policies in a legally valid manner, in violation of Sections 7.1 and 7.2 of the Illinois Lottery Law.

Objection 9

The Joint Committee objects to Section 1770.190(e) of the Department of the Lottery's proposed rules entitled "Lottery (General)" because the rules are incomplete in that they fail to state what forms of identification the Department will accept from individuals claiming prizes of over \$600.00.

Section 1770.190(c) of the Department's rules governs the claims and payment procedures for prizes of over \$600.00. To initiate a claim, the claimant is required to present proof of identification and the winning ticket. The claim form is then filled out and a copy is sent to the Department's central office along with the winning ticket. When the ticket is verified the prize (or first installment) is sent to the claimant.

The Department was asked to state in its rules, the types of identification it would deem acceptable for the purposes of claiming a prize. The Department declined to do so, explaining that its only purpose for asking for proof of identification was to make certain that the Comptroller and Department of Revenue were aware of the winning person's tax obligations. The Department declined to state what

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 18)

identification it (or other agencies with a stake in a winner's lottery proceeds) would deem to be acceptable to fulfill the tax collection objectives described by the Department.

The Department must include, in its rules, what types of identification it will accept for the purpose of claiming prizes over \$600. Other agencies (most notably, the Secretary of State) prescribe in detail the types of identification that they will accept for purposes of the programs they administer. It would appear that the preservation of the State's interest in tax revenue and discouragement of fraud either on the Department of Lottery or Department of Revenue would warrant the Department specifying in its rulemaking the types of identification it will accept from a winning claimant.

Therefore, the Joint Committee objects to Section 1770.190(e) of the Department of the Lottery's most recently amended proposed rules entitled "Lottery (General)" because the rules are incomplete in that they fail to state what forms of identification the Department will accept from individuals claiming prizes of over \$600.00.

Objection 10

The Joint Committee objects to Section 1770.200(a) of the Department of the Lottery's rules entitled "Lottery (General)" because, contrary to the requirements of Section 4.02 of the Illinois Administrative Procedure Act, the rule fails to set forth clear and precise standards for determining when the security or integrity of the Lottery will be jeopardized by permitting certain individuals to purchase lottery tickets.

Section 1770.200(a) of the Department's proposed rules lists certain individuals who may not purchase a lottery ticket or collect a prize from a winning ticket. Employees of the Department, the Lottery Control Board, certain employees of the television station that broadcasts the drawing, and employees of various other entities that work with the Lottery are prohibited from purchasing tickets or claiming prizes. In addition, if the Director determines

that purchases of tickets by employees of any vendor of goods or services to the Department or Board may jeopardize the security or integrity of the Lottery, the Director may provide by directive that no ticket shall be purchased by, and no prize

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYJOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 19)

shall be paid to any, officer or employee of such a vendor.

The Department was asked to include in its rules, the standards it will employ to determine whether the security or integrity of the Lottery is jeopardized. The Department declined to do so, stating such provisions are already covered by contract and are in place. The Department stated its only standard would be if it discovered a "troublesome" factual situation involving one of its vendors.

The Department was also asked to explain in its rules, the actions it will take when it determines that purchases of tickets by employees of any vendor of goods or services to the Department or Board may jeopardize the security or integrity of the Lottery. In the alternative, the Department was asked to provide standards governing the scope of remedial action to be taken. The Department explained its policy would be to bar certain categories of employees from purchasing Lottery products. The Department stated the scope of such action would be dependent on the pervasiveness of the perceived problem, and that it could not prescribe such standards in anticipation of elements which have not occurred.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) states that:

[e]ach rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected.

No reasonable person would question that the Department ought to make certain that security measures it employs be confidential, but there is no reason the Department cannot adopt (via rulemaking) general security procedures to be employed governing the class of persons employed by vendors who may purchase lottery products.

Discussions were held in December and January to resolve or at least reduce the number of outstanding issues between the Joint Committee and the Department. The Department offered to delete the phrase "may provide by directive" appearing in Section 1770.200(a) and replace it with "will provide by rule or by contract with the vendor." This would

STATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 20)

have the effect of permitting the Department to avoid rulemaking altogether, as the Department has stated such measures are already provided by contractual means.

Therefore, the Joint Committee objects to Section 1770.200(a) of the Department of the Lottery's rules entitled "Lottery (General)" because, contrary to the requirements of Section 4.02 of the Illinois Administrative Procedure Act, the rule fails to set forth clear and precise standards for determining when the security or integrity of the Lottery will be jeopardized by permitting certain individuals to purchase lottery tickets.

Objection 11

The Joint Committee objects to the proposed rules of the Department of the Lottery entitled "Lottery (General)" (11 Ill. Adm. Code 1700) because the Agency Analysis of Economic and Budgetary Effects of proposed Rulemaking submitted as a portion of the Department's second notice submission, inaccurately states that this rulemaking will have no economic effect on the class regulated by this rulemaking.

The Department of the Lottery proposed this rulemaking in a comprehensive effort to revise the Department's rules governing its activities. It provides procedures for selection of lottery sales agents and license application, and special licenses. It has provisions for summary license revocation or suspension, conditions of licensure and provisions regarding display of licenses and reporting elements in cases in which a licensee changes its business organization, name or ownership. The rulemaking provides for sales agents' license expiration or renewal. Procedures for cases of lost lottery tickets, conflicting and adverse claims of lottery prizes are provided, as well as payment of lottery prizes and special drawings.

The Joint Committee requested the Department to submit an Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking as a portion of the Department's second notice submission. In the Agency Analysis, the Department stated that this proposed rulemaking will have no economic effect on persons regulated. This is an apparent contradiction, however, since it would appear that this proposed rulemaking will have a positive economic effect on the more than 9,000 licensees regulated by this rulemaking.

The Department was asked why it made the declaration that no economic effect was anticipated by this rulemaking. In response, the Department stated it misinterpreted the provisions of the IAPA concerning provision

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF LOTTERY
(Continued Page 21)

of economic data to the Joint Committee. The Department explained that it took the position that because its rulemaking wasn't "regulatory," that it therefore had no effect. The Department stated its activities were wholly voluntary on the part of its licensees, therefore, its rulemaking, which provides for the payment of millions of dollars of income to its licensees, has "no effect."

Section 220.900(a)(2)(B) of the Operational Rules of the Joint Committee provides that the Joint Committee will consider, in its review of proposed rules, whether the agency has considered the economic and budgetary effects of the rulemaking upon the regulated public. Information supplied by the Department during the course of conferences with the Joint Committee indicated that instant game vendors obtained more than \$13 million in revenue during the first three quarters of 1988 (this estimate does not include bonuses paid to vendors who sell winning tickets). Of 4100 on line terminal agents, the average income was \$13,105 in fiscal year 1988, with instant ticket licensees earning \$8,243. \$21,000 paid out to more than 9,000 licensees constitutes a notable "economic effect" under any analysis.

The Department conceded it made no attempt to determine the level of economic impact lottery sales activities have for its vendors, and stated it had no way of knowing what percentage of its licensees fulfill the definition of a "small business" as set out in Section 3.10 of the IAPA. (Nor indeed did the Department of Commerce and Community Affairs, which concluded in its small business impact analysis that this rulemaking, by which tens of millions of dollars of income are generated to more than 9,000 licensees in this state, had "no effect" on the small business sector.)

Therefore, the Joint Committee objects to the proposed rules of the Department of the Lottery entitled "Lottery (General)" (11 Ill. Adm. Code 1700) because the Agency Analysis of Economic and Budgetary Effects of proposed Rulemaking submitted as a portion of the Department's second notice submission inaccurately states that this rulemaking will have no economic effect on the class regulated by this rulemaking.

OBJ10298

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

DEPARTMENT OF MILITARY AFFAIRS

Heading of Part:

Loan of Military Artifacts

Code Citation:

23 Ill. Adm. Code 3300

Section Numbers:3300.10, 3300.20, 3300.30, 3300.40, 3300.50, 3300.60,
3300.70, and 3300.80Date Originally Published in Illinois Register:September 23, 1988
12 Ill. Reg. 14809

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to the rules of the Department of Military Affairs entitled "Loan of Military Artifacts" (23 Ill. Adm. Code 3300), because the Department has implemented these amendments prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Section 5(a) and 5.01(c) of the IAPA.

The Department of Military Affairs (DMAIL) has proposed this new Part to implement the Department's policy regarding the loaning of military artifacts. The proposed rules include the Department's responsibility for preservation of such colors, flags, guidons, and trophies, loan policy, loan conditions, display standards, artifact reproduction conditions, insurance, transportation, and security of such artifacts.

Public Act 84-433, effective on January 1, 1986, established the Department's authority for a loan policy of the state's colors, flags, guidons and military trophies to the federal government, other state governments and recognized museums. Public Act 85-1241, effective August 30, 1988, eliminated all references to the naval militia in the authorizing Act, but does not mention the Department's military artifact loan authority. The Department was asked to explain its reference to Public Act 85-1241 in its Authority for this new Part and whether it has operated this program without rules since January 1, 1986.

The Department responded that since January 1, 1986, the effective date of the authorizing Act, it has loaned one artifact. The Department referred to Public Act 85-1241 in its Authority for the Part as the most

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF MILITARY AFFAIRS
(Continued Page 2)

recent statutory amendment. While Public Act 84-433 was the authorizing statute, this statutory amendment in Public Act 85-1241 provided the Department with an opportunity to initiate this rulemaking concerning its policy of making such military artifacts available for loan as well as setting forth Departmental loan policy, insurance, transportation, and security requirements.

Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rules, each agency shall accomplish the actions required by Section 5.01, 5.02 and 5.03, whichever is applicable" (emphasis added). In this instance the Department chose to implement its rules under the general rulemaking procedures of Section 5.01. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The Department has failed to comply with the requirements of Section 5(a) and 5.01 prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. As previously stated, the Department readily admits its loan of an artifact prior to the initiation of the general rulemaking procedures of Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to the rules of the Department of Military Affairs entitled "Loan of Military Artifacts" (23 Ill. Adm. Code 3300), because the Department has implemented these amendments prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Section 5(a) and 5.01(c) of the IAPA.

OBJ14809

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF MILITARY AFFAIRS

Heading of Part:

Rental of National Guard Armories

Code Citation:

71 Ill. Adm. Code 1510

Section Numbers:

1510.100, 1510.110, 1510.120, 1510.130, 1510.140,
1510.150, 1510.200, 1510.210, 1510.220, 1510.300,
1510.310, 1510.320, 1510.330, 1510.340, 1510.350,
1510.Appendix A, and 1510.Appendix B

Date Originally Published in Illinois Register:

September 23, 1988
12 Ill. Reg. 14813

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to the rules of the Department of Military Affairs entitled "Rental of National Guard Armories" (71 Ill. Adm. Code 1510), because the Department has implemented this new Part prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Sections 5(a) and 5.01(c) of the IAPA.

Part 1510 details the Department's policies regarding civilian rental of National Guard Armories. These rules establish policies regarding insurance, use, long-term rental and extended contracts, alcoholic beverages, areas available for rent, restrictions, prevention of damage, rifle range rental, lease procedures, rental fee payment, security requirements, clean-up of facilities, rental agreements and rate schedules.

The Department has proposed Part 1510 as a new Part, while the authorizing statute was established in 1957. Although P.A. 85-1251, "AN ACT regarding the State militia," effective August 30, 1988, eliminated all references to the navy militia, Section 65 of the Military Code of Illinois (Ill. Rev. Stat. 1987, ch. 129, par. 220.65) establishes the Department's authority to promulgate regulations concerning the use and rental of armories for reasonable and legitimate civilian activities and has been effective since 1957. The Department was asked to explain whether it has permitted armories to be used or rented for civilian activities since 1957.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF MILITARY AFFAIRS
(Continued Page 2)

The Department indicated that it has permitted rental of armories since 1957, but only recently determined that such policy ought to be placed in rules. The amendments proposed to the authorizing statute, "AN ACT regarding the State militia," P.A. 85-1251, effective August 30, 1988, provided the Department with an opportunity to initiate this rulemaking concerning its policy of allowing armory rental and use.

Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rules, each agency shall accomplish the actions required by Section 5.01, 5.02 and 5.03, whichever is applicable" (emphasis added). In this instance the Department chose to implement its rules under the general rulemaking procedures of Section 5.01. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The Department has failed to comply with the requirements of Section 5(a) and 5.01 prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. While the Department's development of rules regarding its armory rental policies is commendable, the Department readily admits that it has rented armories for over 20 years before initiating rulemaking under the general rulemaking the IAPA procedures of Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to the rules of the Department of Military Affairs entitled "Rental of National Guard Armories" (71 Ill. Adm. Code 1510), because the Department has implemented this new Part prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Sections 5(a) and 5.01(c) of the IAPA.

OBJ14813

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of Part: Dental Practice Act
Code Citation: 68 Ill. Adm. Code 1220
Section Numbers: 1220.530

Date Originally Published in Illinois Register: April 1, 1988
12 Ill. Reg. 5867

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 1220.530 of the Department of Professional Regulation's rulemaking entitled "Dental Practice Act" (68 Ill. Adm. Code 1220.530) because the Department has failed to prescribe standards by which the Anesthesia Review Panel created by that Section will review permit applications, and make recommendations to the Board of Dentistry concerning the eligibility of applicants and the need for on-site inspections to evaluate applicants, in violation of Section 4.02 of the IAPA.

The Department of Professional Regulation is amending its rule entitled "Dental Practice Act," 68 Ill. Adm. Code 1220. The proposed rulemaking permits the Department to accept a regional equivalency of the North East Regional Board Examination in satisfaction of licensure requirements for dentists and dental hygienists. Rules governing advertising, dental referral services and for the reporting of communicable diseases are established. Rules governing permits issued by the Department to administer anesthesia or parenteral conscious sedation are established, and the permitted duties of dental assistants and dental hygienists are modified.

Sections 1220.530 and 1220.550 of the Department's rulemaking create an Anesthesia Review Panel to provide professional advice to the Department and Board of Dentistry concerning the Department's issuance of permits to administer various classes of anesthesia, review of permit applications, and report adverse occurrences in the use of anesthesia. Panel members are appointed by the Director of the Department, upon recommendation of the Board. The Department was asked whether the duties of the Panel supplant the roles of the Department and Board under the Illinois

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF PROFESSIONAL REGULATION
(Continued Page 2)

Dental Practice Act and to justify creation of a body by rulemaking with significant influence with respect to the regulation of use of anesthesia by dental practitioners when the Department and Board's duties are prescribed by statute. The Department was also asked to provide standards governing how the Panel is to review permit applications, make recommendations to the Board concerning the need for on-site inspections of dental facilities and the eligibility of applicants to receive anesthesia permits established by Sections 1220.510 and 520 of the Department's rulemaking.

The Department refuted the contention of Joint Committee staff that the Panel is delegated duties more properly assumed by the Department and/or Board under the Illinois Dental Practice Act (more particularly, the administration of all policies relating to the issuance of permits to dental practitioners to use various classes of anesthesia). The Department stated that the Panel was created to provide professional expertise and advice to the Board and Department concerning subject matter (regulation of anesthesia by dental practitioners) which the Board and Department may not possess. The Department pointed out, for example, that no member of the Board of Dentistry is required to have or even may possess the professional credentials to use anesthesia prescribed in this rulemaking. The Department stated the Panel was an adjunct to the Board and Department, and did not assume any role contemplated by statute for the Department or Board.

In response to Joint Committee requests that the Department provide standards governing [alphabetical and numerical notations correspond to subsection numbers of the Department's rulemaking]: (c)(1) review of anesthesia permit applications; (c)(2) recommendation to the Board concerning the eligibility of applicants; and (c)(3) and (c)(4) recommendation and evaluation of on-site inspections, the Department declined to provide standards other than a recital in subsection (c)(1) that permit review was to be done in accordance with the provisions of Section 1220.510 and 1220.520 (pertaining to application and physical facility requirements, recordkeeping, etc.).

The Department's lack of expertise or ability to provide standards for the determination of key policy making decisions for the administration of an anesthesia permit program belies the perceived flaw in the Department's structuring and creation of this Panel. It states it and the Board lack the necessary professional credentials to make such judgments and yet argues, in effect, that that inability should serve as a basis as to why it cannot prescribe standards for the Panel in reaching such fundamental discretionary judgments as review of persons seeking

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF PROFESSIONAL REGULATION
(Continued Page 3)

permits to use such anesthesia. Section 4.02 of the IAPA states agencies, when exercising discretionary powers, are to enunciate the standards by which they make such discretionary decisions, so far as is practicable. In this case, the Department states it needs the professional credentials and expertise of its Anesthesia Review Panel to make such determinations, and states that because it lacks such ability the Panel should be entrusted with the authority to make such determinations in lieu of the Board or Department, subject only to the general guidelines stated in Sections 1220.510 and 1220.520. The Department's positions falls on its own argument. It ought to prescribe standards under Section 4.02 of the IAPA, or, amend the Dental Practice Act to permit the Panel to assume the duties it and the Board feels professionally inadequate to address. At present, however, the Department's rulemaking does not inform the regulated class or the "adjunct" Panel of the policy positions it is to take in taking such elemental actions as review of applicants, recommendation of on-site inspections and individual permit applicant candidates. That task ought to be assumed by the Department and/or Board and addressed in the Department's rules or by legislative changes to the Illinois Dental Practice Act providing for the creation of a Panel with the necessary professional credentials to make such determinations.

Therefore, the Joint Committee objects to Section 1220.530 of the Department of Professional Regulation's rulemaking entitled "Dental Practice Act" (68 Ill. Adm. Code 1220.530) because, the Department has failed to prescribe standards by which the Anesthesia Review Panel created by that Section will review permit applications, and make recommendations to the Board of Dentistry concerning the eligibility of applicants and the need for on-site inspections to evaluate applicants, in violation of Section 4.02 of the IAPA.

OBJ5867

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of Part: Dental Practice ActCode Citation: 68 Ill. Adm. Code 1220Section Numbers: 1220.530Date Originally Published in Illinois Register:April 1, 1988
12 Ill. Reg. 5867

At its meeting on March 1, 1989, the Joint Committee issued a recommendation relating to the above-referenced rulemaking of the Department of Professional Regulation. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee suggests to the Department that after the Department has one year of experience concerning the issuance of permits to administer various classes of anesthesia and review of permit applications, that the Department initiate further rulemaking to set forth standards by which the Anesthesia Review Panel will review permit applications and make recommendations to the Board of Dentistry concerning eligibility of applicants and the need for on-site inspections to evaluate applications.

The Department of Professional Regulation is amending its rule entitled "Dental Practice Act," 68 Ill. Adm. Code 1220. The proposed rulemaking permits the Department to accept a regional equivalency of the North East Regional Board Examination in satisfaction of licensure requirements for dentists and dental hygienists. Rules governing advertising, dental referral services and for the reporting of communicable diseases are established. Rules governing permits issued by the Department to administer anesthesia or parenteral conscious sedation are established, and the permitted duties of dental assistants and dental hygienists are modified.

Sections 1220.530 and 1220.550 of the Department's rulemaking create an Anesthesia Review Panel to provide professional advice to the Department and Board of Dentistry concerning the Department's issuance of permits to administer various classes of anesthesia, review of permit applications, and report adverse occurrences in the use of anesthesia. Panel members are appointed by the Director of the Department, upon recommendation of the Board. The Department was asked whether the duties of the

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATIONDEPARTMENT OF PROFESSIONAL REGULATION
(Continued Page 2)

Panel supplant the roles of the Department and Board under the Illinois Dental Practice Act and to justify creation of a body by rulemaking with significant influence with respect to the regulation of use of anesthesia by dental practitioners when the Department and Board's duties are prescribed by statute. The Department was also asked to provide standards governing how the Panel is to review permit applications, make recommendations to the Board concerning the need for on-site inspections of dental facilities and the eligibility of applicants to receive anesthesia permits established by Sections 1220.510 and 520 of the Department's rulemaking.

The Department refuted the contention of Joint Committee staff that the Panel is delegated duties more properly assumed by the Department and/or Board under the Illinois Dental Practice Act (more particularly, the administration of all policies relating to the issuance of permits to dental practitioners to use various classes of anesthesia). The Department stated that the Panel was created to provide professional expertise and advice to the Board and Department concerning subject matter (regulation of anesthesia by dental practitioners) which the Board and Department may not possess. The Department pointed out, for example, that no member of the Board of Dentistry is required to have or even may possess the professional credentials to use anesthesia prescribed in this rulemaking. The Department stated the Panel was an adjunct to the Board and Department, and did not assume any role contemplated by statute for the Department or Board.

In response to Joint Committee requests that the Department provide standards governing [alphabetical and numerical notations correspond to subsection numbers of the Department's rulemaking]: (c)(1) review of anesthesia permit applications; (c)(2) recommendation to the Board concerning the eligibility of applicants; and (c)(3) and (c)(4) recommendation and evaluation of on-site inspections, the Department declined to provide standards other than a recital in subsection (c)(1) that permit review was to be done in accordance with the provisions of Section 1220.510 and 1220.520 (pertaining to application and physical facility requirements, recordkeeping, etc.).

The Department's lack of expertise or ability to provide standards for the determination of key policy making decisions for the administration of an anesthesia permit program belies the perceived flaw in the Department's structuring and creation of this Panel. It states it and the Board lack the necessary professional credentials to make such judgments and yet argues, in effect, that that inability should serve as a basis as to why it cannot prescribe standards for the Panel in reaching such

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

DEPARTMENT OF PROFESSIONAL REGULATION
(Continued Page 3)

fundamental discretionary judgments as review of persons seeking permits to use such anesthesia. Section 4.02 of the IAPA states agencies, when exercising discretionary powers, are to enunciate the standards by which they make such discretionary decisions, so far as is practicable. In this case, the Department states it needs the professional credentials and expertise of its Anesthesia Review Panel to make such determinations, and states that because it lacks such ability the Panel should be entrusted with the authority to make such determinations in lieu of the Board or Department, subject only to the general guidelines stated in Sections 1220.510 and 1220.520. The Department's positions falls on its own argument. It ought to prescribe standards under Section 4.02 of the IAPA, or, amend the Dental Practice Act to permit the Panel to assume the duties it and the Board feels professionally inadequate to address. At present, however, the Department's rulemaking does not inform the regulated class or the "adjunct" Panel of the policy positions it is to take in taking such elemental actions as review of applicants, recommendation of on-site inspections and individual permit applicant candidates. That task ought to be assumed by the Department and/or Board and addressed in the Department's rules or by legislative changes to the Illinois Dental Practice Act providing for the creation of a Panel with the necessary professional credentials to make such determinations.

Therefore, the Joint Committee suggests to the Department that after the Department has one year of experience concerning the issuance of permits to administer various classes of anesthesia and review of permit applications, that the Department initiate further rulemaking to set forth standards by which the Anesthesia Review Panel will review permit applications and make recommendations to the Board of Dentistry concerning eligibility of applicants and the need for on-site inspections to evaluate applications.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of Part: The Podiatry Act

Code Citation: 68 Ill. Adm. Code 1360

Section Numbers: 1360.70

Date Originally Published in Illinois Register: September 23, 1988
12 Ill. Reg. 14963

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

Recommendation 1

The Joint Committee objects to Section 1360.70(b)(6) of the rules of the Department of Professional Regulation entitled "The Podiatry Act" (68 Ill. Adm. Code 1360) because, contrary to Section 14 of the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4814), the Department's rules allow continuing education credit for verified formal learning experiences sponsored by entities that are not approved sponsors.

The Department of Professional Regulation has proposed these rules to implement the Podiatric Medical Practice Act of 1987. The rules establish criteria and requirements for approval of programs, licensure of podiatric physicians, continuing education, advertising, and visiting professor permits.

Section 1360.70 of the proposed rules establishes continuing education requirements. Section 1360.70(b)(6) states:

Up to ten (10) hours of credit per pre renewal period may be claimed for verified formal learning experiences sponsored by hospitals, agencies, organizations or other institutions which are not approved continuing education sponsors, in subjects that facilitate the podiatrist's performance, such as courses in computerized patient-record systems,

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF PROFESSIONAL REGULATION
(Continued Page 2)

practice management, risk management or training - including advanced degree programs in education, health administration, and similar subjects.

The Department was asked to provide its statutory authority for such programs in light of the requirement of Section 14 of the Act, which states that "[continuing education] hours shall be earned from courses on an approved list of sponsors validated by the Illinois Podiatric Medical Association Continuing Education Committee and certified by the Podiatric Medical Licensing Board" (emphasis added). The Department representative agreed that the rule exceeds the statutory requirements. The Department representative stated that the Department did not intend, in drafting Section 14 of the Act, for the language to be as stringent as it is. The Department's intent was to provide other options and to allow the Department some flexibility in establishing continuing education requirements. The Department has considered pursuing legislation to make the requirements of Section 14 less stringent.

The option provided in Section 1360.70(b)(6) exceeds the Department's authority as prescribed in Section 14 of the Act. Although the Department believes that some flexibility is desirable, that flexibility is not provided by the statute, which clearly states that only approved sponsors may be used. While the Department may have intended for the language of Section 14 to be less stringent, that intent is not reflected in the language as written, and it is with the statute as written that the Department must comply. If the Department believes that programs sponsored by unapproved entities should be allowed, the Department's proper course is to seek legislation to amend the statute, rather than attempting to do so through rulemaking.

Therefore, it is recommended that the Joint Committee object to Section 1360.70(b)(6) of the rules of the Department of Professional Regulation entitled "The Podiatry Act" (68 Ill. Adm. Code 1360) because, contrary to Section 14 of the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4814), the Department's rules allow continuing education credit for verified formal learning experiences sponsored by entities that are not approved sponsors.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of Part: The Podiatry Act

Code Citation: 68 Ill. Adm. Code 1360

Section Numbers: 1360.70, 1360.75

Date Originally Published in Illinois Register: September 23, 1988
12 Ill. Reg. 14963

At its meeting on March 1, 1989, the Joint Committee recommended that the Department of Professional Regulation seek legislation relating to the above-referenced rulemaking. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee suggests to the Department that if the Department believes that it should allow continuing education credit for verified formal learning experiences sponsored by entities that are not approved sponsors, the Department seek legislation to amend Section 14 of the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4814) to so provide.

The Department of Professional Regulation has proposed these rules to implement the Podiatric Medical Practice Act of 1987. The rules establish criteria and requirements for approval of programs, licensure of podiatric physicians, continuing education, advertising, and visiting professor permits.

Section 1360.70 of the proposed rules establishes continuing education requirements. Section 1360.70(b)(6) states:

Up to ten (10) hours of credit per prenewal period may be claimed for verified formal learning experiences sponsored by hospitals, agencies, organizations or other institutions which are not approved continuing education sponsors, in subjects that facilitate the podiatrist's performance, such as courses in computerized patient-record systems, practice management, risk management or training - including advanced degree

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

DEPARTMENT OF PROFESSIONAL REGULATION
(Continued Page 2)

programs in education, health administration, and similar subjects.

The Department was asked to provide its statutory authority for such programs in light of the requirement of Section 14 of the Act, which states that "[continuing education] hours shall be earned from courses on an approved list of sponsors validated by the Illinois Podiatric Medical Association Continuing Education Committee and certified by the Podiatric Medical Licensing Board" (emphasis added). The Department representative agreed that the rule exceeds the statutory requirements. The Department representative stated that the Department did not intend, in drafting Section 14 of the Act, for the language to be as stringent as it is. The Department's intent was to provide other options and to allow the Department some flexibility in establishing continuing education requirements. The Department has considered pursuing legislation to make the requirements of Section 14 less stringent.

The option provided in Section 1360.70(b)(6) exceeds the Department's authority as prescribed in Section 14 of the Act. Although the Department believes that some flexibility is desirable, that flexibility is not provided by the statute, which clearly states that only approved sponsors may be used. While the Department may have intended for the language of Section 14 to be less stringent, that intent is not reflected in the language as written, and it is with the statute as written that the Department must comply. If the Department believes that programs sponsored by unapproved entities should be allowed, the Department's proper course is to seek legislation to amend the statute, rather than attempting to do so through rulemaking.

Therefore, the Joint Committee suggests to the Department that if the Department believes that it should allow continuing education credit for verified formal learning experiences sponsored by entities that are not approved sponsors, the Department seek legislation to amend Section 14 of the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4814) to so provide.

REC14963

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

SECRETARY OF STATE

Heading of Part: Collection of Fees

Code Citation: 92 Ill. Adm. Code 1003

Section Numbers: 1003.40

Date Originally Published in Illinois Register: December 2, 1988
12 Ill. Reg. 20019

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 1003.40(e) of the rules of the Secretary of State entitled "Collection of Fees" (92 Ill. Adm. Code 1003) because the Secretary lacks the statutory authority pursuant to Sections 2-124(d) and 3-402.2 of the Motor Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-124(d) and 3-402.2), to impose audit fees upon truck licensees if an assessment is found to be due and owing to an International Registration Plan jurisdiction other than Illinois and, in the case of out-of-state audits of Illinois-based licensees conducted by the Secretary, impose audit fees and travel expenses upon licensees regardless of whether an assessment is made.

The Secretary of State has proposed this rulemaking to amend its rules governing the Collection of Fees to set forth audit fees for truck licensees. Section 1003.40(e) establishes audit fees and transportation expenses for audits of licensees under the International Registration Plan (I.R.P.). The I.R.P. is a cooperative form of licensing with a "one plate" concept: The licensee has a base or "home" state but pays fees to and is licensed in other participating states as well. Illinois and forty other states currently participate in the I.R.P.

Section 1003.40(e) of the Secretary's proposed rules states, in part:

For Illinois based International Registration Plan Audits conducted within the State of Illinois, . . . , an audit fee of \$50.00 per day or \$25.00 per half day [per auditor] shall be assessed if an assessment is found to be due and owing the State of Illinois or any I.R.P.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

SECRETARY OF STATE
(Continued Page 2)

jurisdiction. In the case of an audit of an Illinois based [I.R.P.] licensee that takes place outside the State of Illinois, transportation costs incurred, such as: airplane, automobile, train, car rental, taxi, etc., shall be assessed in addition to the audit fee . . . and will be assessed regardless of the amount of the assessment or if any assessment is made. . . . [Emphasis added.]

As statutory authority for this rulemaking, the Secretary cited Section 2-124(d) of the Motor Vehicle Code (Code) (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-124(d)), which states, in part:

When a deficiency is found and any fees or taxes required to be paid under this Act have not been paid to the State of Illinois, the Secretary of State shall impose an audit fee of \$50 per day, or \$25 per half day, per auditor, plus in the case of out-of-state travel, transportation expenses incurred by the auditor or auditors.

The Secretary was asked to cite its statutory authority and provide its rationale for assessing fees when assessments are due and owing to any I.R.P. jurisdiction or regardless of whether an assessment is due, in light of the requirement of Section 2-124(d) that audit fees can be imposed only when fees or taxes have not been paid to the State of Illinois. The Secretary cited its general grants of authority to administer the Code and promulgate rules under Sections 2-101, 2-102, and 2-104(b) of the Code, and the Secretary's authority under Section 3-402 to enter into reciprocal licensure agreements with other jurisdictions. The Secretary also cited Section 3-402.2 of the Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-402.2), which authorizes the Secretary to audit "such owners displaying a base plate of this jurisdiction as to authenticity of mileage figures and registrations and at such time and frequency as determined by the Secretary of State" when Illinois is the base jurisdiction. In addition, the Secretary also referred to the Secretary of State's rules at Section 1010. Appendix B (International Registration Plan), which state that "[a]ssessments based on audits, interest on assessments, refunds, or credits on any other amounts including auditor's per diem and travel shall be made in accordance with the statute of each jurisdiction involved with the audit

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

SECRETARY OF STATE
(Continued Page 3)

of a registrant." The rule also states that the base jurisdiction may impose per diem and travel expenses on the registrant if operational records are not located in the base jurisdiction.

The Secretary stated that under Section 3-402, the Secretary is provided with an independent grant of authority to enter into reciprocal agreements, one of which is I.R.P., and the terms of that agreement are not bound by Section 2-124(d). Because the Secretary audits I.R.P. licensees on behalf of the other jurisdictions in which the licensee is registered, the Secretary will impose the fees whether or not the assessment is due and owing to Illinois. In the case of out-of-state audits, since the expenses of conducting the audit are incurred by the Secretary, the Secretary imposes the fees to recoup its expenses. The Secretary also stated that a reading of all of the above-mentioned statutes together, rather than in isolation, provides sufficient authority for the Secretary's imposition of fees in the circumstances set forth in Section 1003.40(e) of the rules.

The Secretary's explanation is not supported by the plain language of the statutes. Section 2-124(d) clearly states that audits fees are only to be assessed "[w]hen a deficiency is found and any fees and taxes required to be paid under this Act have not been paid to the State of Illinois" (emphasis added). Section 3-402.2, which specifically addresses audits of licensees under reciprocal agreements, does not contain any authorization to impose audit fees at all. Section 3-402.2 states, in part, that upon completion of the audit, the Secretary is to furnish an audit report to all of the jurisdictions in which the licensee is registered: "Should such owner have underpaid any jurisdiction in which his vehicles were proportionally registered, such information shall be furnished to the jurisdiction for collection." The Secretary is required to forward the information, and no assessments are collected by the Secretary on behalf of other jurisdictions. No authorization for audit fees is provided. Although Section 3-402 does authorize the Secretary to enter into reciprocal agreements, the Secretary is not authorized to use such agreements to expand the requirements of other statutory provisions. Neither do the grants of administrative and rulemaking authority authorize the Secretary to promulgate rules that are in conflict with the clear requirements of the Code. Although the Secretary's other rules governing the I.R.P. may attempt to expand the requirements of Section 3-402.2, the rules do not provide authority for other rules and themselves appear to be in conflict with the statute. The Secretary's rule is clearly an attempt to amend the requirements of the Code through rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONSECRETARY OF STATE
(Continued Page 4)

The Joint Committee has taken the consistent position that fees may not be imposed via rulemaking absent specific statutory authority to impose such fees. At its August 23, 1988 meeting, the Joint Committee objected to the Illinois Commerce Commission's rules entitled "Fees and Taxes" (92 Ill. Adm. Code 1205) because the Commission lacked the statutory authority to impose by rule commercial transportation fees in addition to the fees specifically established in the Illinois Commercial Transportation Law.

If the Secretary believes that it should be able to impose audit fees when assessments are due and owing other I.R.P. jurisdictions or regardless of whether an assessment is due, the Secretary's proper course is to seek legislation to amend the Code to authorize such fees rather than attempting to amend the statute through rulemaking.

Therefore, the Joint Committee objects to Section 1003.40(e) of the rules of the Secretary of State entitled "Collection of Fees" (92 Ill. Adm. Code 1003) because, the Secretary lacks the statutory pursuant to Sections 2-124(d) and 3-402.2 of the Motor Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-124(d) and 3-402.2), to impose audit fees upon truck licensees if an assessment is found to be due and owing to an International Registration Plan jurisdiction other than Illinois and, in the case of out-of-state audits of Illinois-based licensees conducted by the Secretary, impose audit fees and travel expenses upon licensees regardless of whether an assessment is made.

OBJ20019

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION

SECRETARY OF STATE

Heading of Part: Collection of Fees
Code Citation: 92 Ill. Adm. Code 1003
Section Numbers: 1003.40

Date Originally Published in Illinois Register: December 2, 1988
12 Ill. Reg. 20019

At its meeting on March 1, 1989, the Joint Committee recommended that the Secretary of State seek legislation relating to the above-referenced rulemaking. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee suggests that the Secretary of State seek legislation to amend Section 3-402.2 of the Motor Vehicle Code to authorize the Secretary to impose audit and transportation fees if an assessment is found due and owing to any International Registration Plan jurisdiction or in the case of out-of-state audits of Illinois-based licensees conducted by the Secretary, regardless of whether an assessment is made if the Secretary feels that it is necessary to impose fees in such situations.

The Secretary of State has proposed this rulemaking to amend its rules governing the Collection of Fees to set forth audit fees for truck licensees. Section 1003.40(e) establishes audit fees and transportation expenses for audits of licensees under the International Registration Plan (I.R.P.). The I.R.P. is a cooperative form of licensing with a "one plate" concept: The licensee has a base or "home" state but pays fees to and is licensed in other participating states as well. Illinois and forty other states currently participate in the I.R.P.

Section 1003.40(e) of the Secretary's proposed rules states, in part:

For Illinois based International Registration Plan Audits conducted within the State of Illinois. . . , an audit fee of \$50.00 per day or \$25.00 per half day [per auditor] shall be assessed if an assessment is found to be due and owing the State of Illinois or any I.R.P. jurisdiction. In the case of an audit of an Illinois based [I.R.P.] licensee that takes

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

SECRETARY OF STATE
(Continued Page 2)

place outside the State of Illinois, transportation costs incurred, such as: airplane, automobile, train, car rental, taxi, etc., shall be assessed in addition to the audit fee . . . and will be assessed regardless of the amount of the assessment or if any assessment is made. . . .
[Emphasis added.]

As statutory authority for this rulemaking, the Secretary cited Section 2-124(d) of the Motor Vehicle Code (Code) (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-124(d)), which states, in part:

When a deficiency is found and any fees or taxes required to be paid under this Act have not been paid to the State of Illinois, the Secretary of State shall impose an audit fee of \$50 per day, or \$25 per half day, per auditor, plus in the case of out-of-state travel, transportation expenses incurred by the auditor or auditors. . . .

The Secretary was asked to cite its statutory authority and provide its rationale for assessing fees when assessments are due and owing to any I.R.P. jurisdiction or regardless of whether an assessment is due, in light of the requirement of Section 2-124(d) that audit fees can be imposed only when fees or taxes have not been paid to the State of Illinois. The Secretary cited its general grants of authority to administer the Code and promulgate rules under Sections 2-101, 2-102, and 2-104(b) of the Code, and the Secretary's authority under Section 3-402 to enter into reciprocal licensure agreements with other jurisdictions. The Secretary also cited Section 3-402.2 of the Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-402.2), which authorizes the Secretary to audit "such owners displaying a base plate of this jurisdiction as to authenticity of mileage figures and registrations and at such time and frequency as determined by the Secretary of State" when Illinois is the base jurisdiction. In addition, the Secretary also referred to the Secretary of State's rules at Section 1010, Appendix B (International Registration Plan), which state that "[a]ssessments based on audits, interest on assessments, refunds, or credits on any other amounts including auditor's per diem and travel shall be made in accordance with the statute of each jurisdiction involved with the audit of a registrant." The rule also states that the base jurisdiction may

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

SECRETARY OF STATE
(Continued Page 3)

impose per diem and travel expenses on the registrant if operational records are not located in the base jurisdiction.

The Secretary stated that under Section 3-402, the Secretary is provided with an independent grant of authority to enter into reciprocal agreements, one of which is I.R.P., and the terms of that agreement are not bound by Section 2-124(d). Because the Secretary audits I.R.P. licensees on behalf of the other jurisdictions in which the licensee is registered, the Secretary will impose the fees whether or not the assessment is due and owing to Illinois. In the case of out-of-state audits, since the expenses of conducting the audit are incurred by the Secretary, the Secretary imposes the fees to recoup its expenses. The Secretary also stated that a reading of all of the above-mentioned statutes together, rather than in isolation, provides sufficient authority for the Secretary's imposition of fees in the circumstances set forth in Section 1003.40(e) of the rules.

The Secretary's explanation is not supported by the plain language of the statutes. Section 2-124(d) clearly states that audits fees are only to be assessed "[w]hen a deficiency is found and any fees and taxes required to be paid under this Act have not been paid to the State of Illinois" (emphasis added). Section 3-402.2, which specifically addresses audits of licensees under reciprocal agreements, does not contain any authorization to impose audit fees at all. Section 3-402.2 states, in part, that upon completion of the audit, the Secretary is to furnish an audit report to all of the jurisdictions in which the licensee is registered: "Should such owner have underpaid any jurisdiction in which his vehicles were proportionally registered, such information shall be furnished to the jurisdiction for collection." The Secretary is required to forward the information, and no assessments are collected by the Secretary on behalf of other jurisdictions. No authorization for audit fees is provided. Although Section 3-402 does authorize the Secretary to enter into reciprocal agreements, the Secretary is not authorized to use such agreements to expand the requirements of other statutory provisions. Neither do the grants of administrative and rulemaking authority authorize the Secretary to promulgate rules that are in conflict with the clear requirements of the Code. Although the Secretary's other rules governing the I.R.P. may attempt to expand the requirements of Section 3-402.2, the rules do not provide authority for other rules and themselves appear to be in conflict with the statute. The Secretary's rule is clearly an attempt to amend the requirements of the Code through rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

SECRETARY OF STATE
(Continued Page 4)

The Joint Committee has taken the consistent position that fees may not be imposed via rulemaking absent specific statutory authority to impose such fees. At its August 23, 1988 meeting, the Joint Committee objected to the Illinois Commerce Commission's rules entitled "Fees and Taxes" (92 Ill. Adm. Code 1205) because the Commission lacked the statutory authority to impose by rule commercial transportation fees in addition to the fees specifically established in the Illinois Commercial Transportation Law.

If the Secretary believes that it should be able to impose audit fees when assessments are due and owing other I.R.P. jurisdictions or regardless of whether an assessment is due, the Secretary's proper course is to seek legislation to amend the Code to authorize such fees rather than attempting to amend the statute through rulemaking.

Therefore, the Joint Committee suggests that the Secretary of State seek legislation to amend Section 3-402.2 of the Motor Vehicle Code to authorize the Secretary to impose audit and transportation fees if an assessment is found due and owing to any International Registration Plan jurisdiction or in the case of out-of-state audits of Illinois-based licensees conducted by the Secretary, regardless of whether an assessment is made if the Secretary feels that it is necessary to impose fees in such situations.

REC20019

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF CONSERVATION

Heading of Part: Duck, Goose and Coot Hunting

Code Citation: 17 Ill. Adm. Code 590

Section Numbers: 590.10

Date Originally Published in Illinois Register: December 23, 1988
12 Ill. Reg. 22244

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the Department of Conservation's December 7, 1988 emergency amendment contained in Section 590.10(I) of the Department's rules entitled "Duck, Goose and Coot Hunting" (17 Ill. Adm. Code 590) because no emergency situation exists which requires the use of the emergency rulemaking procedure of Section 5.02 of the Illinois Administrative Procedure Act.

In addition, the Joint Committee objects to the Department of Conservation's December 7, 1988 Emergency amendment contained in Section 590.10(I) of the Department's rules entitled "Duck, Goose and Coot Hunting" (17 Ill. Adm. Code 590) because the Department lacks the statutory authority to require that no person shall take or attempt to take wild geese in the Southern Illinois Quota Zone from a blind or pit located less than 100 yards from the boundary of the property on which the blind or pit is located unless the minimum yardage requirements cannot be met, in which case one pit or blind is permitted on property where a residence has been established.

The Department promulgated this emergency rulemaking to change the location requirements for blinds and pits used for Goose hunting in the Southern Illinois Quota Zone. This emergency rulemaking added Section 590.10(I) to its rules entitled "Duck, Goose and Coot Hunting" (17 Ill. Adm. Code 590) which provides "no person shall take or attempt to take wild geese in the Southern Illinois Quota Zone from a blind or pit located less than 100 yards from the boundary of the property on which the blind or pit is located unless the minimum yardage requirements cannot be met, in which case one pit or blind is permitted on property where a

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF CONSERVATION
(Continued Page 2)

residence has been established." The Department was asked to explain the threat to the public interest, safety or welfare if this emergency rule is not promulgated.

The Department explained that last year the hunting season for geese in the Southern Illinois Quota Zone was from November 21, 1988 through January 9, 1989 or until 22,000 geese were killed. This past season the 22,000 quota was not reached, therefore the season lasted until January 9, 1989. The Department stated this emergency rule became effective on December 7, 1988 and expired on January 9, 1989. It was pointed out to the Department that Section 6 in the Notice of Emergency Amendments states that this emergency rulemaking is in effect for 150 days. The Department explained that the Notice erroneously stated 150 days instead of January 9, 1989 as the date the emergency rulemaking was to expire. The Department explained that they received several complaints from Williamson County about a goose hunting pit being located too close to another pit. The Department said that a person in Williamson County had 27 acres on which he had a commercial goose club with several pits used for goose hunting. He sold off two acres of this land to his son. On these two acres his son established a goose hunting pit which was less than 100 yards from the son's property line. The establishment of this goose hunting pit less than 100 yards from a property line is authorized by Section 3.10 of "the Wildlife Code" (the Act) (Ill. Rev. Stat. 1987, ch. 61, par. 3.10).

Section 3.10 of the Act provides, in part:

No person shall be required to obtain a Migratory Water-fowl Hunting Area Permit unless actively engaged in managing or commercially controlling lands for the purpose of taking waterfowl. However, in the counties of Alexander, Union, Jackson, Williamson, Jefferson and Franklin, the following restrictions shall be observed by persons taking or attempting to take wild geese:

No person may establish or use a blind or pit within 100 yards of the boundary of the property on which the blind or pit is located unless the minimum yardage requirement cannot be met, in

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF CONSERVATION
(Continued Page 3)

which case one pit or blind may be permitted.

However, this newly established pit was constructed 20 yards from the owner's property line and 120 yards from an already established pit on adjacent property. The Department said that the newly constructed pit was too close to the established pit and caused some problems. Hunters in the older pit accused the persons in the new pit of "sky busting" which is shooting at "their geese." Tempers flared between the hunters in each respective pit. Obscenities were exchanged, and threats were made to shoot someone in the newly constructed pit. These complaints were relayed to the Department of Conservation. The Department stated it was concerned that there was going to be violence. To defuse this volatile situation the Department promulgated this emergency rulemaking. Since the property on which the newly constructed pit was located did not have a residence and was located less than 100 yards from the boundary line, the goose hunting pit could not be used for hunting according to the emergency rule which was promulgated. The Department was asked to cite its statutory authority which authorized this emergency amendment.

The Department stated that its authority for this emergency rulemaking was questionable. The Department cited an Illinois Attorney General's opinion issued on March 16, 1987 (file number 87-002) as its authority to promulgate this emergency rulemaking. The Department stated that this Attorney General's opinion inquires as to whether the Illinois Local Governmental Law Enforcement Officers Training Board is authorized to prescribe minimum physical fitness standards for entrance to the basic training courses for probationary police officers offered by Board approved police training schools. The Attorney General's opinion stated in part that

It is well recognized that an administrative agency, such as the Board, possesses not only those powers which are expressly conferred by law, but also such powers as are, by fair implication and intendment, reasonably necessary to carry out and accomplish the objective for which the agency was created.

The Department's interpretation of the aforementioned Attorney General's opinion is that "the Department has not only specific authority as stated in statutes but also authority necessarily implied to accomplish the policy

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF CONSERVATION
(Continued Page 4)

purposes of the Department." Therefore, the Department stated that this opinion allows them to regulate the location of goose hunting pits by requiring that no person shall take or attempt to take wild geese in the Southern Illinois Quota Zone from a blind or pit located less than 100 yards from the boundary of the property on which the blind or pit is located unless the minimum yardage requirements cannot be met, in which case one pit or blind is permitted on property where a residence has been established. The Attorney General's opinion stated that "it is well recognized that an administrative agency, such as the Board, possesses not only those powers which are expressly conferred by law, but also such powers as are, by fair implication and intentment, reasonably necessary to carry out and accomplish the objective for which the agency was created."

The Department was asked to explain what steps it has taken to notify those affected by this emergency. The Department said that the owners of the 2 acres and 27 acres of land on which the new pit was located were personally given a copy of the emergency rule by the Department of Conservation's Deputy Chief of the Division of Law Enforcement. Also, copies of the emergency rule were sent to the following waterfowl associations: Williamson County Association, and the Southern Illinois Quota Zone. Finally, this emergency rule was placed on the Department of Conservation's "Hotline" which is a telephone line with information regarding the Department. In addition, the Department was asked if it intends to promulgate permanent rules regarding this matter. The Department stated that presently it is evaluating its policy(s) with respect to the location of goose pits and blinds. The Department will probably hold hearings to get hunters input as to what changes, if any, should be instituted in the placement of hunting blinds and pits. The Department explained that if they decide to change its present laws regarding this matter, legislation will be introduced this legislative session. If new laws are enacted, then the appropriate rules will be promulgated regarding this situation.

Section 5.02 of the Illinois Administrative Procedure Act states that, if an agency finds there exists any situation which reasonably constitutes a threat to the public interest, safety or welfare requiring adoption of a rule upon fewer days than is required by Section 5.01, an agency may adopt an emergency rule by filing a notice with the text of the rule with the Secretary of State.

No emergency situation existed which required the use of emergency rules. There is no doubt that there existed a volatile situation between the hunters in the two respective pits in which obscenities and threats

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF CONSERVATION
(Continued Page 5)

were exchanged. However, this situation needed to be resolved by local law enforcement agency(s) and not by an emergency rule. The methods used to resolve such conflicts more properly fall under the powers of law enforcement officials. In addition, it is abundantly clear that the Department does not have the authority to promulgate this emergency rule. As previously stated, Section 3.10 of the Act provides:

No person shall be required to obtain a Migratory Water-fowl Hunting Area Permit unless actively engaged in managing or commercially controlling lands for the purpose of taking waterfowl. However, in the counties of Alexander, Union, Jackson, Williamson, Jefferson and Franklin, the following restrictions shall be observed by persons taking or attempting to take wild geese:

No person may establish or use a blind or pit within 100 yards of the boundary of the property on which the blind or pit is located unless the minimum yardage requirement cannot be met, in which case one pit or blind may be permitted.

Section 3.10 of the Act is clear as to when a pit or blind, which is within 100 yards of the property boundary line, can be placed on the property. The Department's requirement that a pit can be placed on property if it is within 100 yards of the boundary line and has a residence on the property is totally lacking statutory authorization. The Department's assertion that it has "implied powers" and that this situation is similar to the one addressed in Attorney General's opinion 87-002 is not true. The statutes are clear and precise as to the requirements regarding the placement of pits and blinds for goose hunting. Such was not the case in the factual situation construed by the Attorney General. To accept the Department's reasoning in this instance would be to authorize the Department to amend a statute through the use of the rulemaking process. Such a practice is clearly impermissible and one to which the Committee has objected innumerable times over the years. A potential criminal "breach of the peace" must be resolved by the criminal justice system and not through an administrative rule. There is no justification or statutory authority for the promulgation of these emergency rules regarding this matter.

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF CONSERVATION
(Continued Page 6)

Therefore, the Joint Committee objects to the Department of Conservation's December 7, 1988 emergency amendment contained in Section 590.10(l) of the Department's rules entitled "Duck, Goose and Coot Hunting" (17 Ill. Adm. Code 590) because no emergency situation exists which requires the use of the emergency rulemaking procedure of Section 5.02 of the Illinois Administrative Procedure Act.

In addition, the Joint Committee objects to the Department of Conservation's December 7, 1988 Emergency amendment contained in Section 590.10(l) of the Department's rules entitled "Duck, Goose and Coot Hunting" (17 Ill. Adm. Code 590) because the Department lacks the statutory authority to require that no person shall take or attempt to take wild geese in the Southern Illinois Quota Zone from a blind or pit located less than 100 yards from the boundary of the property on which the blind or pit is located unless the minimum yardage requirements cannot be met, in which case one pit or blind is permitted on property where a residence has been established.

OBJ22244

ILLINOIS REGISTER

3468
89JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO EXISTING RULES

DEPARTMENT OF CONSERVATION

Heading of Part:

Muskrat, Mink, Raccoon, Opossum, Striped Skunk,
Weasel, Red Fox, Gray Fox, Coyote, Beaver and
Woodchuck (Groundhog) Trapping

Code Citation:

17 Ill. Adm. Code 570

Section Numbers:

570.40

Date Originally Published in Illinois Register:

March 18, 1988
12 Ill. Reg. 5087

At its meeting on June 14, 1988, the Joint Committee objected to the above existing rulemaking. Failure of the Department to respond within 90 days of the receipt of this Statement of Objection shall constitute a refusal to amend or repeal this rule.

The specific objection is as follows:

The Joint Committee objects to Section 570.40(b) of the existing rules of the Department of Conservation entitled "Muskrat, Mink, Raccoon, Opossum; Striped Skunk; Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping" (17 Ill. Adm. Code 570.40(b)) because, contrary to the requirements of Section 5.01(b) of the Illinois Administrative Procedure Act, when the Department adopted Section 570.40(b) it included modifications of the rule made after the commencement of the second notice period which were not made in response to an objection or suggestion of the Joint Committee.

On March 18, 1988, the Department of Conservation proposed amendments to 17 Ill. Adm. Code 570 to incorporate site-specific requirements for trapping at Department-owned, -leased or -managed sites. These amendments were considered by the Joint Committee at its June 14, 1988 meeting. At that time the Joint Committee issued a "Certification of No Objection."

In Sections 570.40(b)(7), (b)(36) and (b)(37) the first notice of the Department's rules listed the jaw spread size for traps as 20 inches. Subsequent to the Joint Committee's consideration of these amendments at the Committee's June 14, 1988 meeting, the Joint Committee's staff was contacted by a member of the Department's staff requesting substantive changes in the rule. In particular, the Department requested that the

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO EXISTING RULESDEPARTMENT OF CONSERVATION
(Continued Page 2)

trap jaw spread size be changed from 20 inches to 10 inches in Sections 570.40(b)(7), (b)(25), (b)(36) and (b)(37).

In a letter dated July 7, 1988 the Joint Committee's staff informed the Department that no further substantive changes could be initiated due to the fact that the Joint Committee had already considered the rulemaking at its June 14, 1988 meeting. In spite of the Joint Committee's letter of July 7, 1988, the Department changed the jaw spread size from 20 inches to 10 inches in the version which was filed for inclusion in the Illinois Administrative Code and which appeared in the July 22, 1988 Illinois Register.

In a letter dated July 27, 1988, the Joint Committee's staff notified the Department of the unauthorized changes and asked to be kept informed of the Department's activities concerning this violation of the rulemaking process established in the Illinois Administrative Procedure Act (IAPA). The Department has failed to respond to the Joint Committee's letter of July 27, 1988.

Section 5.01(b) of the IAPA states: "After commencement of the second notice period, no substantive change may be made to a proposed rulemaking unless it is made in response to an objection or suggestion of the Joint Committee." The Joint Committee's operational rules (1 Ill. Adm. Code 220.1100) state that when adopting rules the Department must file a certified statement, signed by the agency head, which states no changes were made to the rule since the commencement of the "second notice period other than those listed in the document entitled 'Agreements' which has been ratified by the Joint Committee, and those changes made in response to an objection or recommendation issued by the Committee.

The change from a 20 inch jaw size to 10 inch jaw size is clearly a substantive change on the part of the Department. The Department never included this questioned text at the time of its first or second notice filing; the Joint Committee never agreed to its inclusion when reviewing the rules. Nor was the rule amended in response to the Committee's objection.

Section 4(c) of the IAPA states that "[n]o agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection and filed with the Secretary of State as required by the Act." By making the substantive change from a 20 inch jaw size to a 10 inch jaw size for traps after the Joint Committee had reviewed the rule, the Department

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO EXISTING RULESDEPARTMENT OF CONSERVATION
(Continued Page 3)

has circumvented the rulemaking process established by the IAPA. As a result, any action on the part of the Department to invoke these rules (such as the implementation or enforcement of these regulations) could and should be considered invalid.

Therefore, the Joint Committee objects to Section 570.40(b) of the existing rules of the Department of Conservation entitled "Muskrat, Mink, Raccoon, Opossum; Striped Skunk; Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping" (17 Ill. Adm. Code 570.40(b)) because, contrary to the requirements of Section 5.01(b) of the Illinois Administrative Procedure Act, when the Department adopted Section 570.40(b) it included modifications of the rule made after the commencement of the second notice period which were not made in response to an objection or suggestion of the Joint Committee.

OBJ5087

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF INSURANCE

Heading of Part: Minimum Standards for Individual and Group Medicare Supplement Insurance

Code Citation: 50 Ill. Adm. Code 2008

Section Numbers: 2008.10, 2008.20, 2008.30, 2008.40, 2008.50, 2008.70, 2008.80, 2008.90

Date Originally Published in Illinois Register: January 13, 1989
13 Ill. Reg. 586

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to Sections 2008.10, 2008.20, 2008.30(a), 2008.40, 2008.50, 2008.70(a)(1), 2008.80(b) and 2008.90(a)(1) of the emergency amendments of the Department of Insurance entitled "Minimum Standards for Individual and Group Medicare Supplement Insurance" because contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, no emergency exists which requires the adoption of these sections of the rules through the use of the emergency rulemaking process.

This emergency rulemaking implements major changes in the Medicare Supplement Insurance field brought about by the enactment of the Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360) on the federal level and Public Act 85-1174 on the state level. This amendatory rulemaking was filed and became effective on January 13, 1989.

The Department stated in its Notice of Emergency Amendments that the reason for the emergency was to assure that Medicare beneficiaries who have or purchase Medicare Supplemental Insurance after January 1, 1989 receive the full benefit of these legislative changes. The Department stated that if these rules were not promulgated on an emergency basis, then either existing supplement policies could be sold which do not comply with the new minimum standards or no policies could be sold at all until the Department could approve new policies which meet the new revised minimum standards.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF INSURANCE
(Continued Page 2)

The Department was asked to further explain the emergency situation which required the use of the emergency rulemaking process. The Department answered that Section 1882(k)(3)(C) of Title XVIII of the Social Security Act (42 U.S.C. 1395ss(k)(3)(C)) required the Department to adopt standards equal to or more stringent than the standards set forth in the amended National Association of Insurance Commissioners (NAIC) Model Regulations in order to maintain certification of its regulatory program. Section 1882(k)(3)(C) provides that no state regulatory program shall be found to meet the certification requirements unless the programs provide for the application of standards equal to or more stringent than the standards set forth in the amended NAIC Model Regulation. This certification is important because any supplemental policy issued in any state whose programs have gained certification is deemed to meet the federal standards and requirements of Section 1882 of Title XVIII of the Social Security Act (42 U.S.C. 1395ss). Part 2008 is the Department's attempt to adopt the NAIC standards.

In this emergency rulemaking, the Department has made the following numerous non-substantive editorial, technical or cosmetic changes to Part 2008:

- (1) In Section 2008.10, the Department changes the statutory citation from the 1981 edition of the Illinois Revised Statutes to the 1987 edition.
- (2) In Section 2008.20, the Department capitalizes the letter "m" in the word "medicare".
- (3) In Section 2008.30(a), the Department replaces the word "regulation" with the word "Part".
- (4) In the definition of "applicant" in Section 2008.40, the Department adds the word "and" between the subparagraphs.
- (5) In Section 2008.50, the Department adds labels for the subparagraphs.
- (6) In Section 2008.70(a)(1), the Department capitalizes the letter "m" in "medicare".
- (7) In Section 2008.80(b), the Department adds the word "the" and capitalizes the letter "s" in "section".

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF INSURANCE
(Continued Page 3)

- (8) In Section 2008.90(a)(1), the Department changes the word "of" to "or".

The Department was asked to explain why it was necessary to use the emergency rulemaking procedure to implement these editorial, technical or cosmetic changes. The Department responded that if it did not fully implement the NAIC standards at one time, it would create nothing but confusion within the insurance industry as to the nature of the Department's regulation of the Medicare supplement insurance business and jeopardize the conditional certification of its regulatory framework by the Health Care Financing Administration.

However, the Department's explanation of the need for the use of the emergency rulemaking process for these non-substantive changes is unconvincing. Section 1882(k)(3) does not require the Department to adopt verbatim the NAIC model. As long as the Department would adopt standards equal to or more stringent than the NAIC model, it would fulfill the requirements of Section 1882(k)(3). With only seventy-five (75) entities currently issuing Medicare supplement policies in Illinois, the Department could easily remedy any confusion as to what will be required of the insurance industry by means of a direct mailing. Furthermore, even if Section 1882(k)(3) is interpreted to require the Department to adopt the NAIC model verbatim, the Department could and should have used the peremptory rulemaking procedures of Section 5.03 of the Illinois Administrative Procedure Act to meet the statutory deadline of January 1, 1989.

Section 5.02 of the Illinois Administrative Procedure Act (IAPA) defines "emergency" as "the existence of any situation which any agency finds reasonably constitutes a threat to the public interest, safety or welfare" which requires the adoption of rules on fewer days notice than is required by Section 5.01 of the IAPA.

The Department must show that a threat to the public interest, safety or welfare exists in order to utilize the emergency rulemaking procedure to adopt changes. The Department has failed to do so in relation to the rules noted above.

Therefore, the Joint Committee objects to Sections 2008.10, 2008.20, 2008.30(a), 2008.40, 2008.50, 2008.70(a)(1), 2008.80(b) and 2008.90(a)(1) of the emergency amendments of the Department of Insurance entitled "Minimum Standards for Individual and Group Medicare Supplement Insurance" because contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, no emergency exists

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF INSURANCE
(Continued Page 4)

which requires the adoption of these sections of the rules through the use of the emergency rulemaking process.

OBJ586

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of Part: Medical Practice Act of 1987Code Citation: 68 Ill. Adm. Code 1285Section Numbers: 1285.20Date Originally Published in Illinois Register:January 13, 1989
13 Ill. Reg. 651

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to Section 1285.20(f) and (j) of the Department of Professional Regulation's emergency rulemaking entitled "Medical Practice Act of 1987" (68 Ill. Adm. Code 1285) because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act (IAPA), any emergency that may exist has been created solely by the Department's failure to adopt rules pursuant to Section 5.01 of the IAPA in a timely fashion.

This emergency rulemaking makes several changes in the Department of Professional Regulation's rules implementing the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.). One of the amendments adds language concerning affiliation agreements between medical colleges and clinical teaching facilities. The rules require that each applicant for licensure who completed clinical rotations in an affiliated teaching facility submit copies of the affiliation agreement(s) between the medical college and the teaching facility(ies). Requirements for the validity of the agreement are also stated. In addition, examination requirements for applicants who are graduates of a medical school outside of the United States and Canada are included. Applicants are required to successfully complete an examination conducted by the Educational Council for Foreign Graduates, or another comprehensive examination that the Department determines to be substantially equivalent.

The Department was asked to explain the threat to the public interest, safety or welfare that justified the use of emergency rulemaking in this instance. The Department explained that language similar to that being

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PROFESSIONAL REGULATION

(Continued Page 2)

added in Section 1285.20(f) was added in other sections of the rules during the second notice period of the Department's previous rulemaking on this Part, which was adopted in December 1988. Although the Department intended to amend Section 1285.20 as well, the change was inadvertently omitted. The Department encountered problems during the application process when applicants contended that the requirements for affiliation agreements were not clearly stated in the rules. Section 1285.20(j), the language concerning foreign medical graduates, was inadvertently deleted along with the rest of the section dealing with approval of medical programs in the rewrite of the rules because the Act requires transcript evaluation rather than program approval. However, examination requirements for graduates of medical schools outside of the United States and Canada will still be required. The Department explained that it is important that the rules be complete and up to date to ensure that incompetent physicians do not receive licensure, thus posing a threat to the public health and safety.

Section 5.02 of the IAPA defines "emergency" as "the existence of any situation which any agency finds reasonably constitutes a threat to the public interest, safety or welfare" which requires the adoption of rules on fewer days notice than is required by Section 5.01 of the IAPA.

It is apparent from the Department's response that the amendments were necessitated by the Department's own failure to ensure that previous rulemakings were complete. Any problems that may result from the lack of complete criteria to evaluate applicants for licensure stem from the inadvertent omission of these criteria from a previous rulemaking. The emergency situation of perhaps allowing incompetent physicians to achieve licensure was, therefore, agency created.

The Joint Committee has long taken the position that Section 5.02 procedures may not be used where the emergency is "agency created." This position has been supported by the Illinois Appellate Court, Third Division, in *Senn Park Nursing Center v. Miller* (1983, 118 Ill. App. 3d 733, 455 N.E.2d 162, aff'd 104 Ill. 2d 169, 470 N.E.2d 1029, 83 Ill. Dec. 609 (October 10, 1984)). In *Senn Park* the court stated that "it would defeat the purposes of the notice and comment procedures if any agency could dispense with such procedures by enacting an emergency rule where the 'emergency' was created by the agency's failure to follow these procedures in the first place." As in *Senn Park*, it appears that in this instance the "emergency" that required the use of the emergency rulemaking process was created by the Department's failure to include these requirements in rulemaking promulgated under Section 5.01 of the IAPA.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF PROFESSIONAL REGULATION
(Continued Page 3)

Therefore, the Joint Committee objects to Section 1285.20(f) and (j) of the Department of Professional Regulation's emergency rulemaking entitled "Medical Practice Act of 1987" (68 Ill. Adm. Code 1285) because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act (IAPA), any emergency that may exist has been created solely by the Department's failure to adopt rules pursuant to Section 5.01 of the IAPA in a timely fashion.

OBJ651

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF REHABILITATION SERVICES

Heading of Part: Other Services
Code Citation: 89 Ill. Adm. Code 607
Section Numbers: 607.60
Date Originally Published in Illinois Register: January 6, 1989
13 Ill. Reg. 225

At its meeting on March 1, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to emergency amendments of the Department of Rehabilitation Services entitled "Other Services" (89 Ill. Adm. Code 607) because contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, any emergency which may exist has been created solely by failure of the Department to act in a timely manner to promulgate rules pursuant to the general rulemaking provisions of Section 5.01 of the Illinois Administrative Procedure Act.

This emergency rulemaking was designed to implement Section 13-703 of the Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 13-703). The Act requires the Illinois Commerce Commission (ICC) to design and implement a program to provide telecommunications devices to deaf or severely hearing impaired individuals. The Act specifies that, in order to receive such devices, these individuals must be certified by "a licensed physician, audiologist or a qualified State agency. . . ." On February 1, 1988, the Illinois Commerce Commission adopted rules that designated DORS as a certifying agency (83 Ill. Adm. Code 755.200). On December 21, 1988, DORS adopted emergency amendments, pursuant to the Public Utilities Act and ICC's rules, to outline the procedures to be used by DORS' staff to certify individuals as deaf, severely hearing impaired, or deaf-blind for the purpose of obtaining telecommunication devices for the deaf and telebraille devices for deaf-blind individuals.

Section 5.02 of the Illinois Administrative Procedure Act (IAPA) defines "emergency" as the existence of a situation which any agency finds "reasonably constitutes a threat to the public interest, safety, or welfare" and that requires adoption of a rule on fewer days notice than

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF REHABILITATION SERVICES
(Continued Page 2)

is required by Section 5.02 of the IAPA. It is difficult to see how these amendments, which were promulgated nearly a year after DORS was authorized to do so and, which merely permit the Department to provide a certification that can be provided elsewhere, fulfill the requirements of an emergency rulemaking.

The Department was asked to explain what emergency existed to justify the use of emergency rulemaking procedures in this instance. DORS replied that although those in need of telecommunication or telebraille devices could be certified by a physician or audiologist, such certification is not usually free-of-charge. However, certification by DORS' staff is free. Therefore, DORS explained, it was necessary to adopt these amendments without delay, to protect the public interest by providing free certification services.

The Department was then asked why it waited nearly a year after becoming a designated agency to adopt these emergency amendments. The Department explained that staff in charge of this program had not appraised the rules' staff of the possible necessity for rules. Apparently, DORS' program staff had decided that rules would not be necessary immediately, since the vendor of the telecommunication and telebraille equipment was not prepared for distribution in February 1988. However, the vendor was prepared for distribution in December 1988. Shortly thereafter, DORS' rules staff became aware of the need for rules and promulgated these emergency amendments.

DORS' was designated as a certifying agency in February 1988. Consequently, these rules could have been promulgated nearly one year before they were. In fact, ICC's rules were proposed in July 1987, and, thus DORS' should have known that it would be designated as a certifying agency eighteen months before the adoption of these emergency amendments. It is true that the vendor was not prepared for distribution until December, 1988. However, there is no reason why the Department could not have proposed these amendments in February 1988, in anticipation of the vendor becoming prepared. The Department could have promulgated this rulemaking pursuant to Section 5.01 of the Illinois Administrative Procedure in February, 1988 and had the adopted amendments in place by the end of 1988; thereby avoiding the necessity for this emergency rulemaking.

The Joint Committee has long taken the position that Section 5.02 procedures may not be used where the emergency is "agency created." This position has been supported by the Illinois Appellate Court, Third Division, in Senn Park Nursing Center v. Miller (1983), 188 Ill.App.3d

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF REHABILITATION SERVICES
(Continued Page 3)

733, 455 N.E.2d 162, aff'd 104 Ill.2d 169, 470 N.E.2d 1040 (1984). The court stated that "[i]t would defeat the purposes of the notice and comment procedures if an agency could dispense with such procedures by enacting an emergency rule where the 'emergency' was created by the agency's failure to follow these procedures in the first place."

As in Senn Park it appears that, with regard to this emergency rulemaking, the "emergency" was the result of an "avoidable administrative failure" to follow the procedures for general rulemaking under Section 5.01 of the IAPA. It may be in the public interest for DORS to provide free certification services to individuals in need of telecommunication or telebraille equipment. However, if the agency had taken prompt action, language providing for this certification process could have been adopted months ago using the general rulemaking procedures outlined in Section 5.01 of the IAPA. A lack of communication between DORS' staff regarding the need for rules is no excuse for using the emergency rulemaking procedures. Neither is the vendor's inability to distribute the equipment until December 1988. Clearly, the Department's prior lack of timely rulemaking is the underlying reason for its present need to promulgate emergency rules.

Therefore, the Joint Committee objects to emergency amendments of the Department of Rehabilitation Services entitled "Other Services" (89 Ill. Adm. Code 607) because contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, any emergency which may exist has been created solely by failure of the Department to act in a timely manner to promulgate rules pursuant to the general rulemaking provisions of Section 5.01 of the Illinois Administrative Procedure Act.

OBJ225

NOTICE OF PUBLIC INFORMATION

Deficiencies
Definitions
Domestic International Sales Corporations (DISC's)
Elections: See Combined Unitary Return, Extensions, Unitary Enterprise Zones
(Also See Credits, Subtraction Modifications)
Erroneous Refund: See Refunds
Estates
Estimated Tax
Exempt Organizations
Exemptions
Extensions
Failure to File: See Penalties
Failure to Pay: See Penalties
Farmers: See Estimated Tax
Federal Returns
Fiduciaries
Financial Organizations: See Apportionment
Foreclosure
Foreign Sales Corporations (FSC's)
Foreign Tax: See Credits
Foreign Trade Zones: See Subtraction Modifications, Credits -- Jobs Tax
Forms
Fraud: See Penalties
Fringe Benefits
IRC §125 "Cafeteria" Plans
IRC §401(k) Plans
Other Rulings
(not included above)
Gain (Losses): See Capital Gains (Losses), Valuation Limitation
Information Reports
Insurance Companies: See Apportionment
Interest Income
(Also See Addition Modifications, Subtraction Modifications)
Interest on Refunds and Deficiencies
IRC §338
Jeopardy: See Assessment

1. Statute requiring agency to publish this information in the Illinois Register:
Name of Act: Illinois Department of Revenue Sunshine Act
Citation: Ill. Rev. Stat. 1985, ch. 127, par. 2001
(Public Act 82-727, effective November 12, 1981)

2. Summary of information:
Index of Department of Revenue income tax letter rulings issued for the Fourth Quarter of 1988.

The ruling letters are listed numerically with a brief synopsis under the following subjects:

Addition Modifications
Bond Premium Amortization
Dividends
Interest
Net Operating Loss
Zero Coupon Bonds
Other Rulings
(not included above)
Administrative Review
Allocation
(For Alternative Allocation rulings, see that heading)
Alternative Allocation
Amnesty
Apportionment
Financial Organizations
Insurance Companies
Payroll Factor
Property Factor
Sales Factor
Transportation Services
Other Rulings
(not included above)
Assessment
Bankruptcy
Base Income
(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)

Books and Records
Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Business Income
Capital Gains (Losses)
(Also See Subtraction Modifications - Valuation Limitation)
Check Off Funds
Circuit Breaker
Claims for Refund: See Refunds
Collection
Combined Unitary Return
(Also See Unitary)
Commercial Domicile
Compensation
Composite Returns
Confidentiality
Credits
Coal Research and Utilization
Credit for Replacement Tax Paid
Enterprise Zone Investment
Foreign Tax
High Impact Business Investment
Jobs Tax
Replacement Tax Investment
Training Expense
Other Rulings
(not included above)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- Pensions
(Also See Subtraction Modifications)
Political Organizations
Property Factor: See Apportionment
Property Tax: See Subtraction Modifications
Protest
Public Law 86-272/Mexus
Rate of Tax
Real Estate Investment Trusts
Reasonable Cause: See Penalties
Refunds (Also See Subtraction Modifications)
Statute of Limitations
Other Rulings
(not included above)
Replacement Tax
(Also See Credits)
Residency/Nonresidency Returns
(For Combined Unitary Return and Composite Return rulings, see those headings)
Amended Returns
Due Dates
Requirements to File
Short Period Returns
Other Rulings
(not included above)
S Corporations
Sales Factor: See Apportionment
Sales Outside the Ordinary Course of Business (Bulk Sales)
Seizure
Separate Accounting: See Alternative Allocation
Signature
Specific Accounting
Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
Subchapter 'S' Corporations: See S Corporations
- Subpart F Income: See Subtraction Modifications
Subtraction Modifications
Enterprise and Foreign Trade Zones
Illinois Tax Refund
Interest on U.S. Government Obligations
Military
Money Market Mutual Funds
Qualified Pension Plans
Real Estate Taxes
Subpart F Income
Valuation Limitation
Other Rulings
(not included above)
Taxability in Other States
Taxable Year
Transferees
(Also See Sales Outside the Ordinary Course of Business (Bulk Sales))
Transportation Services: See Apportionment
Trusts
Unitary
(Also See Combined Unitary Return)
U.S. Government Obligations: See Subtraction Modifications
Valuation Limitation: See Subtraction Modifications
Voluntary Disclosure Agreements
Waiver on Assessment: See Assessment
Withholding
Employee Benefits
Exemptions
Personal Service Contracts (IITA §708)
Reciprocal Agreements
Other Rulings
(not included above)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of income tax letter rulings (all four quarters) is available for \$4.50 (this price includes both income tax and sales tax).

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Division
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

1988 FOURTH QUARTER SUNSHINE INDEX

ADDITION MODIFICATIONS - DIVIDENDS

APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 88-295 11/04/88 Department reviewed surveys concerning (1) dividends derived from interest on federal obligations, (2) dividends derived from state and local obligations, (3) long-term capital gain distributions from funds and contributions to Keogh plans and IRAs; and responded to a questionnaire concerning Puerto Rican obligations.

IT 88-276 10/03/88 Since the definition of financial organization is made in terms of what it includes, it has been the Department's position that the entities enumerated within the definition were exclusive and exhaustive. Therefore, an entity is a financial organization for Illinois income tax purposes depending on whether it is one of the types of entities listed within the definition at IITA §1501(a)(8).

ADDITION MODIFICATIONS - INTEREST

IT 88-337 12/28/88 An Indiana corporation purchasing revolving credit accounts from Illinois retailers and receiving interest payments for these accounts outside Illinois would not include this income in the Illinois numerator.

IT 88-277 10/05/88 Responded to second request by enclosing a copy of first response which discussed the five types of municipal bond interest which is not added back on the Illinois return. Interest on bonds issued by the District of Columbia is taxable in Illinois.

APPORTIONMENT - PROPERTY FACTOR

ADMINISTRATIVE REVIEW

IT 88-319 12/09/88 Discusses the Illinois income tax treatment of federal safe harbor leasing provisions.

IT 88-275 10/03/88 Explains that until uniform rules of practice are repropounded, the "income tax" rules at 86 Ill. Adm. Code 100.9200 and the "sales tax" rules at 86 Ill. Adm. Code 200.101 remain in use by the Department.

APPORTIONMENT - SALES FACTOR

IT 88-292 11/01/88 Application requesting permission to use an alternate apportionment formula and apportion sales to Illinois using a single sales factor rather than a double-weighted sales factor denied.

IT 88-321 12/09/88 Proposed rules of "Practice and Procedure for Hearings Before the Illinois Department of Revenue" were published in the Illinois Register on December 2, 1988.

IT 88-320 12/09/88 The Department has taken the position that standard or "canned" software programs are tangible personal property for purposes of inclusion in the sales factor and non-standard or "custom" software programs are not tangible personal property. Consequently activities engaged in for sales of custom software would not be protected by P.L. 86-272.

ALTERNATIVE ALLOCATION

IT 88-292 11/01/88 Application requesting permission to use an alternate apportionment formula and apportion sales to Illinois using a single sales factor rather than a double-weighted sales factor denied.

APPORTIONMENT - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 88-288 10/27/88 Discusses the history of IIT Regulation §304-5 (currently §100.3700).

IT 88-324 12/14/88 Denial of petition of partnership to use an alternative allocation method under IITA Sec. 304(f). Discusses allocation and apportionment of partnership income of nonresidents pursuant to IITA Sec. 305(a).

IT 88-322 12/09/88 Discusses filing requirements for nonresident partner of partnership doing business in Illinois.

IT 88-336 12/23/88 Denial of petition for separate accounting by corporation which was a partner in an Illinois partnership.

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

ASSESSMENT

IT 88-298 11/07/88 Pursuant to Illinois Income Tax Act §905(i), a written response for prompt determination of liability within 18 months may be made in the case of an Illinois tax return required in respect of a decedent, or by the decedent's estate during the period of administration, or by a corporation. No form is required.

IT 88-316 12/09/88 Department will stop collection activity because taxpayer received notice and demand for payment later than three years after date return was filed, contrary to IITA Sec. 902(a) and Sec. 903(a)(1).

BASE INCOME

(Also see Addition Modifications, Fringe Benefits, Subtraction Modifications)

IT 88-295 11/04/88 Department reviewed surveys concerning (1) dividends derived from interest on federal obligations, (2) dividends derived from state and local obligations, (3) long-term capital gain distributions from funds and contributions to Keogh plans and IRAs; and responded to a questionnaire concerning Puerto Rican obligations.

IT 88-299 11/07/88 As there is no addition modification requiring the addback of §403(b) elective salary deferrals, contributions made to the plan will be excluded from Illinois base income just as they are excluded from federal taxable income.

IT 88-306 11/30/88 Discusses Illinois income tax treatment of IRC §911(a) exemption which permits a qualifying individual to elect to exclude foreign earned income from federal gross income.

CAPITAL GAINS - LOSSES

(Also See Subtraction Modifications - Valuation Limitation)

IT 88-295 11/04/88 Department reviewed surveys concerning (1) dividends derived from interest on federal obligations, (2) dividends derived from state and local obligations, (3) long-term capital gain distributions from funds and contributions to Keogh plans and IRAs; and responded to a questionnaire concerning Puerto Rican obligations.

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

COMPENSATION

IT 88-294 11/02/88 Response to Special Compensation questionnaire (See IT 88-227).

CONFIDENTIALITY

IT 88-302 11/22/88 IITA §917(a) prohibits the Department from furnishing the information specified in subpoena, unless served with a court order commanding compliance.

IT 88-313 12/09/88 Illinois Income Tax Act §917(a) prohibits the Department from releasing the information requested without a court order.

CREDITS - ENTERPRISE ZONE INVESTMENT

IT 88-279 10/12/88 In order to qualify for the §201(e) credit, the property must be used in conjunction with specific sales. Since property used in purchasing material, credit -- collecting receivables, inventory control, and accounting is not used in conjunction with specific sales but is used generally in conducting a business, it does not qualify for the §201(e) credit. However, such property would qualify for the enterprise zone credit of IITA §201(f) if the property is placed in service in an enterprise zone.

Buildings constructed to house the property used in the described services for a wholesale business would not qualify for the §201(e) credit but would qualify for the §201(f) credit as long as all the requirements of §201(f)(2)(a) - (e) are met.

CREDITS - REPLACEMENT TAX INVESTMENT

IT 88-279 10/12/88 In order to qualify for the §201(e) credit, the property must be used in conjunction with specific sales. Since property used in purchasing material, credit -- collecting receivables, inventory control, and accounting is not used in conjunction with specific sales but is used generally in conducting a business, it does not qualify for the §201(e) credit. However, such property would qualify for the enterprise zone credit of IITA §201(f) if the property is placed in service in an enterprise zone.

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

1988 FOURTH QUARTER SUNSHINE INDEX

Buildings constructed to house the property used in the described services for a wholesale business would not qualify for the \$201(e) credit but would qualify for the \$201(f) credit as long as all the requirements of \$201(f)(2)(a) - (e) are met.

lated business taxable income as determined under IRC §512 must file Form IL-990-T if:

1) the organization is a resident or is qualified to do business in the State of Illinois and is required to file a federal income tax return (U.S. Form 990-T), regardless of whether the organization has net income as defined under the Illinois Income Tax Act, or

IT 88-284 10/26/88 Although there are no regulations concerning the IITA §201(j) Training Expense Credit, the Department has issued letter rulings regarding the credit.

2) the organization has net income as defined under the Illinois Income Tax Act.

ESTATES

IT 88-286

10/27/88 Public Act 82-1021, effective July 1, 1983, abolished the Illinois Inheritance Tax for decedents dying on or after January 1, 1983. In its place, Illinois has adopted a "pick-up" tax based upon the state death tax credit allowed for Federal Estate Tax purposes under §2011 of the Internal Revenue Code.

IT 88-299

11/07/88 As there is no addition modification requiring the addback of IRC §403(b) elective salary deferrals, contributions made to the plan will be excluded from Illinois base income just as they are excluded from federal taxable income.

IT 88-311

12/08/88 An organization defined in Sec. 501(e) of IRC, exempt from federal taxation by reason of Sec. 501(c)(3) and Sec. 501(a), is exempt from Illinois income tax pursuant to IITA Sec. 205(a), except to the extent of unrelated business taxable income.

IT 88-332

12/21/88 Entity qualifying as a REMIC under IRC Sec. 860A through 860G is not subject to tax except to the extent it has income from defined prohibited transactions. Discusses filing requirements of a REMIC.

FEDERAL RETURNS

IT 88-290

10/31/88 The election provided at IITA §503(c)(3) is binding only for the year it is made. The election would not preclude taxpayers from filing other than a joint return in subsequent years.

IT 88-319

12/09/88 Discusses the Illinois income tax treatment of federal safe harbor leasing provisions.

FORMS

IT 88-298

11/07/88 Pursuant to Illinois Income Tax Act §905(i), a written request for prompt determination of liability within 18 months may be made in the case of an Illinois tax return required in respect of a decedent, or by the decedent's estate during the period of administration, or by a corporation. No form is required.

EXEMPT ORGANIZATIONS

IT 88-280

10/17/88 An organization which is exempt from federal income tax by reason of IRC §501(a) and which earns or receives unre-

1988 FOURTH QUARTER SUNSHINE INDEX

INFORMATION REPORTS

IT 88-293 11/02/88 Response to questionnaire concerning withholding from and reporting on payments from employer-sponsored retirement plans.

IT 88-301 11/10/88 Illinois Income Tax Act (IITA) §1405.1, Ill. Rev. Stat. 1985, Ch. 120, par. 14-1405.1 requires informational reporting only from payers with respect to certain rental and royalty income.

Effective January 1, 1989, IITA §708 and §709 are repealed. Payments under contracts for personal services and for prizes and awards made on or after January 1, 1989, are subject to informational reporting pursuant to IITA §1405.2 and §1405.3 as added by P.A. 85-299, effective September 9, 1987.

IT 88-307 12/01/88 IITA §1405.1 requires informational reporting only from payors with respect to certain rental and royalty income.

Effective January 1, 1989, IITA §708 and §709 are repealed. Payments under contracts for personal services and for prizes and awards made on or after January 1, 1989, are subject to informational reporting pursuant to IITA §1405.2 and §1405.3 as added by P.A. 85-299, effective September 9, 1987.

IT 88-312 12/08/88 Discusses tax exemption permitted by IITA Sec. 203 (a)(2)(E) and states that informational reporting of distributions from such retirement plans is not required.

INTEREST ON REFUNDS AND DEFICIENCIES

IT 88-304 11/28/88 The interest rate on deficiencies and overpayments for the period January 1, 1989, to June 30, 1989, will be 9%. The rate was also 9% for the period January 1, 1988, to December 31, 1988.

IT 88-331 12/21/88 The interest rate on unpaid withholding taxes and on overpayments and underpayment of income taxes for 1987 and 1988 was 9%. The same rate will be in effect for 1989.

MISCELLANEOUS

IT 88-308 12/01/88 Made substantive changes and corrected statutory references to a form.

1988 FOURTH QUARTER SUNSHINE INDEX

IT 88-330 12/19/88 Illinois has no gift tax.

NET INCOME (LOSS) AND NET LOSS DEDUCTION (IITA §207)
(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction, Unitary)

IT 88-315 12/09/88 The Department would recognize a net operating loss carryover of a merged subsidiary to which corporate parent had succeeded in an acquisition qualifying under IRC Sec. 381, subject to limitations. Discusses Informational Bulletin FY88-1 pertaining to the Searle/Caterpillar decision.

IT 88-327 12/14/88 Discusses 1986 Illinois net loss carryback of a corporation merged in an "F" reorganization.

IT 88-333 12/22/88 Limitation No. 1 will not be applied to companies that did not file unitary in the loss year due to the restriction on "100% Illinois" based groups that existed prior to December 31, 1986.

Since these companies had all of the characteristics of a unitary business group, the proper method of determining the limitations of carryback or carryforward losses of the members is to apply Limitation No. 1 and No. 2 of IIT Regulation §100.2750(b) which permits the federal taxable incomes and federal taxable losses of all members of the unitary business group to be considered--not the federal taxable income of a single member.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 88-289 10/28/88 Questionnaire concerning a nonresident individual who is a limited partner in a partnership owning and operating rental property in Illinois.

IT 88-315 12/09/88 The Department would recognize a net operating loss carryover of a merged subsidiary to which corporate parent had succeeded in an acquisition qualifying under IRC Sec. 381, subject to limitations. Discusses Informational Bulletin FY88-1 pertaining to the Searle/Caterpillar decision.

IT 88-327 12/14/88 Discusses 1986 Illinois net loss carryback of a corporation merged in an "F" reorganization.

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

- IT 88-329 12/19/88 Inquires whether an affiliated corporation that participated in a pre-1986 consolidated return, where the affiliated group elected to waive their loss carryback period for federal purposes, will likewise be required to waive their loss carryback period for Illinois purposes.
- IT 88-333 12/22/88 Limitation No. 1 will not be applied to companies that did not file unitary in the loss year due to the restriction on "100% Illinois" based groups that existed prior to December 31, 1986.
- Since these companies had all of the characteristics of a unitary business group, the proper method of determining the limitations of carryback or carryforward losses of the members is to apply Limitation No. 1 and No. 2 of IIT Regulation \$100.2750(b) which permits the federal taxable incomes and federal taxable losses of all members of the unitary business group to be considered--not the federal taxable income of a single member.

NOTICES

- IT 88-316 12/09/88 Department will stop collection activity because taxpayer received notice and demand for payment later than three years after date return was filed, contrary to IITA Sec. 902(a) and Sec. 903(a)(1).

PARTNERSHIPS

- IT 88-289 10/28/88 Questionnaire concerning a nonresident individual who is a limited partner in a partnership owning and operating rental property in Illinois.
- IT 88-322 12/09/88 Discusses filing requirements for nonresident partner of partnership doing business in Illinois.
- IT 88-323 12/12/88 Income of limited partner is not unitized with income of general partner unless limited partner was operationally involved in partnership and unitary tests were met. Centralized management is not a necessary element of unitizing partnership income.
- IT 88-324 12/14/88 Denial of petition of partnership to use an alternative allocation method under IITA Sec. 304(f). Discusses allocation and apportionment of partnership income of nonresidents pursuant to IITA Sec. 305(a).

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

PAYMENTS
(Also See Estimated Tax)

- IT 88-338 12/28/88 Additional Illinois tax resulting from inclusion in gross income of the LIFO recapture amount pursuant to IRC Sec. 1363(d)(f) cannot be paid in four equal installments as allowed under the IRC but is due on due date of return.

PENALTIES - FAILURE TO FILE (IITA \$1001)

- IT 88-309 12/02/88 Section 102 ("Construction") of the Illinois Income Tax Act requires the Department to make "late filing" and "reasonable cause" determinations in a manner consistent with federal determinations.
- IT 88-335 12/22/88 Rule for due date for Illinois tax return for 52-53 week filers does not apply in case of short year return due to a liquidation.

PENALTIES - FAILURE TO PAY ESTIMATED TAX (IITA \$804)

- IT 88-281 10/18/88 Illinois Income Tax Act (IITA) §203(e)(1) provides that for purposes of IITA §803(e), a taxpayer's gross income means the amount of gross income property reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. The two-thirds (2/3) is calculated before any Illinois modifications, including pension income.
- The statute as currently written requires that in order to be a farmer at least two-thirds (2/3) of a taxpayer's "estimated gross income" must be from farming.

- IT 88-296 11/04/88 Explains that Exception 1 and the \$250.00 threshold help taxpayers avoid an 804 penalty.

- IT 88-325 12/14/88 Part-year 1985 Illinois taxpayer was required to file a 1985 IL-1040. Taxpayer will not be permitted to use the 1985 return after the filing of the 1986 return in order to take advantage of the Sec. 804(d)(6) exception to the 804 penalty assessed on the 1986 return.

- IT 88-326 12/14/88 Discusses Department's petition to Board of Appeals to permit nonresident taxpayer to file a 1985 Illinois return and assert Exception 2 to avoid 804 Penalty.

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

IT 88-328 12/14/88 Part-year resident does not have a short taxable year within the meaning of IITA Sec. 803(f).

PENALTIES - REASONABLE CAUSE (IITA §1001)

IT 88-309 12/02/88 Section 102 ("Construction") of the Illinois Income Tax Act requires the Department to make "late filing" and "reasonable cause" determinations in a manner consistent with federal determinations.

PENALTIES - UNDERPAYMENT OF TAX (IITA §1005)

IT 88-334 12/22/88 Not-for-profit corporation's late payment of tax due to federal change was reasonable cause under IITA Sec. 1005.

PENSIONS

(Also See Subtraction Modifications)

IT 88-299 11/07/88 As there is no addition modification requiring the addback of IRC §403(b) elective salary deferrals, contributions made to the plan will be excluded from Illinois base income just as they are excluded from federal taxable income.

PUBLIC LAW 86-272/NEXUS

IT 88-278 10/06/88 The leasing of terminals for electronic transmission of orders to customers in Illinois constitutes activity which exceeds that permitted under P.L. 86-272.

IT 88-320 12/09/88 The Department has taken the position that standard or "canned" software programs are tangible personal property for purposes of inclusion in the sales factor and non-standard or "custom" software programs are not tangible personal property. Consequently activities engaged in for sales of custom software would not be protected by P.L. 86-272.

REFUNDS - STATUTE OF LIMITATIONS

(Also See Subtraction Modifications)

IT 88-303 11/28/88 Nonresident irrevocable trusts were not liable for Illinois income tax for the years 1982 through 1987 if the only income received by the trusts was interest and dividends.

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

RESIDENCY/NONRESIDENCY

IT 88-303 11/28/88 Nonresident irrevocable trusts were not liable for Illinois income tax for the years 1982 through 1987 if they only income received by the trusts was interest and dividends.

RETURNS - REQUIREMENTS TO FILE

(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 88-289 10/28/88 Questionnaire concerning a nonresident individual who is a limited partner in a partnership owning and operating rental property in Illinois.

IT 88-290 10/31/88 The election provided at IITA §503(c)(3) is binding only for the year it is made. The election would not preclude taxpayers from filing other than a joint return in subsequent years.

S CORPORATIONS

IT 88-338 12/28/88 Additional Illinois tax resulting from inclusion in gross income of the LIFO recapture amount pursuant to IRC Sec. 1363(d)[f] cannot be paid in four equal installments as allowed under the IRC but is due on due date of return.

SUBTRACTION MODIFICATIONS - INTEREST ON U.S. GOVERNMENT OBLIGATIONS

IT 88-283 10/26/88 Department required more specific information in order to issue letter ruling concerning whether "Guaranteed Loan Pool Certificates," which represent interest in pools of commercial loans made to small business enterprises, are direct obligations of the U.S. government qualifying for the subtraction modification.

IT 88-285 10/26/88 Interest received on Ginnie Mae Treasury notes and bills, Treasury Investment Growth Receipts (Tigrs) and Certificates of Accrual on Treasury Securities (CATS) qualifies for the subtraction modification for interest on U.S. Treasury obligations.

IT 88-287 10/27/88 Interest received on CATS and Tigrs qualifies for the subtraction modification for interest on U.S. government obligations.

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

1988 FOURTH QUARTER SUNSHINE INDEX

IT 88-295 11/04/88 Department reviewed surveys concerning (1) dividends derived from interest on federal obligations, (2) dividends derived from state and local obligations, (3) long-term capital gain distributions from funds and contributions to Keogh plans and IRAs; and responded to a questionnaire concerning Puerto Rican obligations.

IT 88-300 11/09/88 Interest received on FHLMC Mortgage Backed Securities and Small Business Administration Government Guaranteed Pooled Loan Certificates is not exempt from Illinois income tax because these obligations are not direct obligations of the U.S. government.

IT 88-310 12/05/88 Transmittal letter accompanying approved draft notice concerning tax-exempt interest to be mailed to Illinois shareholders of Capital Preservation Fund, Capital Preservation Treasury Note Trust and Benham Target Maturities Trust - Series 1990, 1995, 2000, 2005, 2010, 2015.

IT 88-314 12/09/88 A percentage exemption will apply any time a mutual fund's investment in U.S. treasury obligations is less than 100%.

IT 88-318 12/09/88 The accreted interest on STRIPS (Separate Trading of Registered Interest and Principal of Securities) would not be subject to Illinois income taxation since Illinois Income Tax Act §203(a)(2)(N) provides a subtraction modification for interest received on U.S. government obligations.

Interest received on these zero coupon obligations, CATS and TIGRS, qualifies for the subtraction modification at Line 4f on the IL-1040 (interest on U.S. government obligations).

SUBTRACTION MODIFICATION - MONEY MARKET MUTUAL FUNDS

IT 88-314 12/09/88 A percentage exemption will apply any time a mutual fund's investment in U.S. treasury obligations is less than 100%.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 88-291 11/01/88 Response to questionnaire concerning private retirement programs and copies of pertinent statutes and withholding tables.

IT 88-293 11/02/88 Response to questionnaire concerning withholding from and reporting on payments from employer-sponsored retirement plans.

IT 88-312 12/08/88 Discusses tax exemption permitted by IITA Sec. 203(a)(2)(E) and states that informational reporting of distributions from such retirement plans is not required.

TRANSFEREES
(Also see Sales Outside the Ordinary Course of Business (Bulk Sales))

IT 88-297 11/04/88 Section 1405 of the Income Tax Act (IITA) insures collectibility of the tax, interest and penalties from the transferees of estate assets.

TRUSTS

IT 88-303 11/28/88 Nonresident irrevocable trusts were not liable for Illinois income tax for the years 1982 through 1987 if the only income received by the trusts was interest and dividends.

UNITARY
(Also see Combined Unitary Return)

IT 88-323 12/12/88 Income of limited partner is not unitized with income of general partner unless limited partner was operationally involved in partnership and unitary tests were met. Centralized management is not a necessary element of unitizing partnership income.

IT 88-327 12/14/88 Discusses 1986 Illinois net loss carryback of a corporation merged in an "F" reorganization.

IT 88-333 12/22/88 Limitation No. 1 will not be applied to companies that did not file unitary in the loss year due to the restriction on "100% Illinois" based groups that existed prior to December 31, 1986.

Since these companies had all of the characteristics of a unitary business group, the proper method of determining the limitations of carryback or carryforward losses of the members is to apply Limitation No. 1 and No. 2 of IIT Regulation §100.2750(b) which permits the federal taxable incomes and

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

federal taxable losses of all members of the unitary business group to be considered--not the federal taxable income of a single member.

IT 88-339 12/29/88 Section 1501(a)(27) and IIT Regulation Sec. 100.9900 require more than 50% direct or indirect control or ownership of outstanding voting stock to constitute unitary business activity.

VOLUNTARY DISCLOSURE AGREEMENTS

IT 88-305 11/29/88 Discusses Voluntary Disclosure Agreements.

IT 88-340 12/30/88 Discusses Voluntary Disclosure Agreements.

WITHHOLDING - EMPLOYEE BENEFITS

IT 88-291 11/01/88 Response to questionnaire concerning private retirement programs and copies of pertinent statutes and withholding tables.

IT 88-293 11/02/88 Response to questionnaire concerning withholding from and reporting on payments from employer-sponsored retirement plans.

WITHHOLDING - PERSONAL SERVICES CONTRACTS (IITA §708)

IT 88-301 11/10/88 Illinois Income Tax Act (IITA) §1405.1, Ill. Rev. Stat. 1985, Ch. 120, par. 14-1405.1 requires informational reporting only from payers with respect to certain rental and royalty income.

Effective January 1, 1989, IITA §708 and §709 are repealed. Payments under contracts for personal services and for prizes and awards made on or after January 1, 1989, are subject to informational reporting pursuant to IITA §1405.2 and §1405.3 as added by P.A. 85-299, effective September 9, 1987.

WITHHOLDING - RECIPROCAL AGREEMENTS

IT 88-282 10/19/88 Pursuant to Illinois Income Tax Act (IITA) §701(a), every employer maintaining an office or transacting business in Illinois and required to withhold federal income tax must

DEPARTMENT OF REVENUE

1988 FOURTH QUARTER SUNSHINE INDEX

withhold Illinois income tax on "compensation paid in Illinois." Illinois Income Tax (IIT) Regulation §100.7010(a) provides three tests for determining whether compensation constitutes "compensation paid in Illinois." Under all three tests, an individual's service must be rendered in Illinois to some degree to constitute compensation paid in Illinois.

WITHHOLDING - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 88-282 10/19/88 Pursuant to Illinois Income Tax Act (IITA) §701(a), every employer maintaining an office or transacting business in Illinois and required to withhold federal income tax must withhold Illinois income tax on "compensation paid in Illinois." Illinois Income Tax (IIT) Regulation §100.7010(a) provides three tests for determining whether compensation constitutes "compensation paid in Illinois." Under all three tests, an individual's service must be rendered in Illinois to some degree to constitute compensation paid in Illinois.

IT 88-301 11/10/88 Illinois Income Tax Act (IITA) §1405.1, Ill. Rev. Stat. 1985, Ch. 120, par. 14-1405.1 requires informational reporting only from payers with respect to certain rental and royalty income.

Effective January 1, 1989, IITA §708 and §709 are repealed. Payments under contracts for personal services and for prizes and awards made on or after January 1, 1989, are subject to informational reporting pursuant to IITA §1405.2 and §1405.3 as added by P.A. 85-299, effective September 9, 1987.

IT 88-317 12/09/88 Illinois does not issue employer identification numbers. The Federal Employer Identification Number (FEIN) obtained for federal purposes may also be used for Illinois purposes.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 27, 1989 through March 3, 1989 and have been scheduled for review by the Committee at its April 5, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its April meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
4/13/89	State Records Commission, State Records Commission (44 Ill. Adm. Code 4400)	1/6/89 13 Ill. Reg. 44	April 5, 1989
4/13/89	Department of Employment, Security, General Provisions (56 Ill. Adm. Code 2960)	1/6/89 13 Ill. Reg. 17	April 5, 1989
4/14/89	Secretary of State, Cancellation, Revocation and Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	11/28/88 12 Ill. Reg. 19636	April 5, 1989
4/14/89	Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	12/16/88 12 Ill. Reg. 20760	April 5, 1989
4/14/89	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	12/16/88 12 Ill. Reg. 20768	April 5, 1989
4/14/89	Illinois Housing Development Authority, Mortgage Credit Certificates (47 Ill. Adm. Code 360)	11/28/88 12 Ill. Reg. 19603	April 5, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
4/17/89	Department of Public Health, Minimum Standards for Classification and Licensure of Intermediate Care Facilities for the Developmentally Disabled (77 Ill. Adm. Code 350)	12/23/88 12 Ill. Reg. 21621	April 5, 1989
4/17/89	Department of Alcoholism and Substance Abuse, Driving Under the Influence Programs (77 Ill. Adm. Code 2056)	12/30/88 12 Ill. Reg. 22265	April 5, 1989
4/17/89	Attorney General, Franchise Disclosure Act (14 Ill. Adm. Code 200)	12/23/88 12 Ill. Reg. 20937	April 5, 1989
4/17/89	State Universities Civil Service System, State Universities Civil Service System (80 Ill. Adm. Code 250)	11/4/88 12 Ill. Reg. 17569	April 5, 1989

PROCLAMATION
89-068

Viet Nam Veterans Day

WHEREAS, the Illinois General Assembly has designated the 29th day of March of each year as a commemorative holiday to be known as Viet Nam War Veterans Day and to be observed throughout the state as a day in honor and remembrance of the men and women of this nation who served so valiantly in the cause of freedom; and

WHEREAS, the Viet Nam War was the most devastating and costly war in our nation's history. It was a time of conflict for all Americans and left its scar on our citizens today; and

WHEREAS, we are at peace now, but we must not forget the sacrifices made by those who served our country during those trying years. Viet Nam War veterans came back to a country which met them with indifference, when they should have been cheered for their bravery in serving the United States;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 29, 1989, as VIET NAM VETERANS DAY in Illinois. This observance gives Americans an opportunity to express their thanks to the Viet Nam veterans who served their country during a long and controversial war. It is also a time to remember the veterans of all our past wars and to recommit ourselves to the ideal peace we seek for the world.

Issued February 23, 1989. Filed March 6, 1989.

PROCLAMATION
89-069

International Demolay Week

WHEREAS, the Order of Demolay is a character-building organization of young men from 13 to 21 years of age who are seeking to prepare themselves to become better citizens and leaders for tomorrow by developing those traits of character that have strengthened good men of all ages; and

WHEREAS, the organization has carried out the aforementioned goals for 70 years through programs of athletic competition, social activity, community service, and charitable projects; and

WHEREAS, the members of the Illinois Order of Demolay will observe the year of 1989 as the 70th anniversary of the Order of Demolay so as to exemplify to all citizens their many activities and to tender recognition to the millions of Senior Demolays; and

WHEREAS, John E. Blondell is the State Master Councilor and Edward C. Bleser is the Executive Officer for the Illinois Order of Demolay;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 12-19, 1989, as INTERNATIONAL DEMOLAY WEEK in Illinois. I call upon all Illinoisans to join in saluting the young men of the Order of Demolay and in expressing appreciation for the fine examples set by them in contribution to the welfare of our state.

Issued February 24, 1989. Filed March 6, 1989.

PROCLAMATION
89-070
Agriculture Week

WHEREAS, the State of Illinois remains a leader in production agriculture with a strong supporting structure of ag-related businesses; and

WHEREAS, Illinois is a leader in the marketing of agricultural products, both domestically and internationally; and

WHEREAS, the productivity of American agriculture is a vital ingredient in our strength as a nation, both at home and abroad; and

WHEREAS, in order to maintain this healthy agricultural environment, it is necessary that all Americans understand how agriculture affects their lives and well-being; and

WHEREAS, such contemporary concerns as the environment or the devastation of the drought of 1988 have further emphasized the importance of cooperative relations between consumers and production agriculture; and

WHEREAS, it is important for all Americans to be aware of their personal stake in an abundant food and fiber supply;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 19-25, 1989, as AGRICULTURE WEEK in Illinois. I urge all citizens to observe this week with appropriate ceremonies and activities, including a special emphasis on March 20, the first day of spring, which has been proclaimed, "National Agriculture Day."

Issued February 27, 1989. Filed March 6, 1989.

PROCLAMATION
89-071
Herman Bryant Day

WHEREAS, on March 3, 1989, Kennedy-King College will be naming its automotive center in honor of Herman Bryant who was a professor at the college; and

WHEREAS, Herman Bryant was an unselfish and well-respected individual whose life was filled with a love of education and dedicated to teaching his students; and

WHEREAS, he attended both Herzl and Wilson Junior Colleges; served with distinction in the U.S. Army in Korea; earned a certificate in Automotive Technology from Greer Automotive Training School; and received both Bachelor of Science and Master of Science degrees from Chicago State University; and

WHEREAS, Herman Bryant was gainfully employed at Kennedy-King College, serving in the capacities of Chairperson of the Department of Vocational Education, Assistant Dean of Career Education, and Dean of Career Education; and

WHEREAS, he coordinated and nurtured the development of the automotive programs at Kennedy-King College, Stateville Prison, and Pontiac Prison. He also developed the Vocational Trades Building Skill Program at both Dwight and Indianapolis Women's Prisons; and

WHEREAS, it is only fitting that Herman Bryant be recognized for the tremendous contributions he made to the lives of so many;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 3, 1989, as HERMAN BRYANT DAY in Illinois.

Issued February 27, 1989. Filed March 6, 1989.

ILLINOIS REGISTER

3507
89

PROCLAMATION
89-072

Four Seasons Hotel Chicago Opening Day

WHEREAS, the new Four Seasons Hotel Chicago, 120 E. Delaware Place, will celebrate its formal grand opening Friday, March 10, 1989. The gala black-tie event will benefit the Lincoln Park Zoological Society; and

WHEREAS, the new facility will become the second Four Seasons Hotel, Ltd. property in Chicago and will continue to give its guests the superior service and luxury accommodations for which it has become known in the hospitality field; and

WHEREAS, Hans Willmann has been named general manager of the Four Seasons Hotel Chicago and will work closely with Paul Pusateri, manager; and

WHEREAS, the interior design of the new hotel is the work of award-winning Frank Nicholson Incorporated of Concord, Massachusetts. It will feature 344 luxury rooms on floors 30 through 46, including 16 residential apartments; and

WHEREAS, perhaps the most impressive element of the design is the grand staircase leading from the seventh floor main lobby to the spectacular eighth floor grand ballroom; and

WHEREAS, in keeping with the tradition of Four Seasons Hotels, Ltd., this new hotel will represent the highest standards of excellence in service and accommodations in the hospitality field;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 10, 1989, as FOUR SEASONS HOTEL CHICAGO OPENING DAY in Illinois in recognition of this special occasion.

Issued February 28, 1989. Filed March 6, 1989.

ILLINOIS REGISTER

3508
89

PROCLAMATION
89-073

City Of Belleville Year

WHEREAS, Belleville, Illinois, a city with a French name and a German heritage, was founded in 1814 when it became the St. Clair County seat of government; and

WHEREAS, from its early years until now, Belleville's social heritage has continued to center around music and vocal groups with a strong interest in education; and

WHEREAS, Belleville's early industry was founded on coal, flour milling, beer and stove making. Today it revolves around manufacturing, banking, professional services, medical/hospital care, Scott Air Force Base and Belleville Area College; and

WHEREAS, the theme for the 175th Birthday Celebration is "Proud of our Heritage; Confident of our Future." Belleville continues to be an example of that theme by serving its citizens well; and

WHEREAS, March 18, 1989, kicks off a year of festivities and fun for the 42,000 Belleveillians and their friends who will be celebrating 175 years of history and excitement for the future;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim 1989 as the CITY OF BELLEVILLE YEAR in Illinois in recognition of its 175th anniversary celebration.

Issued March 2, 1989. Filed March 6, 1989.

PROCLAMATION
89-074

Shamrocks Against Dystrophy Days In Illinois

WHEREAS, Shamrocks Against Dystrophy Days will be observed in Illinois from March 13-17, 1989; and

WHEREAS, this campaign is being planned to help support research and patient care service programs of the Muscular Dystrophy Association; and

WHEREAS, Shamrocks represent hope in the search for cures for devastating neuromuscular diseases; and

WHEREAS, St. Patrick was known for his ability to heal, and the "Wearing of the Green," in the form of the Shamrocks Against Dystrophy tag, indicates a spirit of community action against these diseases;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 13-17, 1989, as SHAMROCKS AGAINST DYSTROPHY DAYS IN ILLINOIS and urge citizens throughout the state to be cognizant of events arranged for this time.

Issued March 2, 1989. Filed March 6, 1989.

PROCLAMATION
89-075

Technical Education Week

WHEREAS, the American Technical Education Association (ATEA) is an organization composed of post-secondary institutions, businesses, and industrial concerns involved in an effort to expand and promote the excellence of technical education; and

WHEREAS, the ATEA is the only national association devoted exclusively to comprehensive post-secondary technical education in community and technical colleges, as well as four-year colleges and universities; and

WHEREAS, new and emerging occupations will require technical training components to make American businesses and industry more competitive in the international marketplace; and

WHEREAS, the association provides an opportunity for the exchange of ideas among persons in the technical education field and, through its college of consultants, promotes ideas and experiences in the solution of problems common to education, business, and industry; and

WHEREAS, the ATEA recommends standards for technical education to up-grade the quality of technical education and addresses technology issues on curriculum, instruction, production, and governance. Its 26th Annual Conference on Technical Education will be held in Fort Worth, Texas, March 16-19, 1989;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 12-18, 1989, as TECHNICAL EDUCATION WEEK in Illinois and recognize the American Technical Education Association for its leadership role since 1928 in business and economic development.

Issued March 2, 1989. Filed March 6, 1989.

ILLINOIS REGISTER

VOL. 13, ISSUE #11

1989 CUMULATIVE INDEX

MARCH 17, 1989

ILLINOIS REGISTER

VOL. 13, ISSUE #11

1989 CUMULATIVE INDEX

MARCH 17, 1989

JCAR - Joint Committee on Administrative Rules

ACTION CODES

A - Adopted Rule
AR - Adopted Repealer
C - Notice of Corrections
CC - Codification Changes
E - Emergency Rule
ER - Emergency Repealer
M - Modification to meet JCAR objections
O - JCAR Statement of Objections
P - Proposed Rule
PF - Prohibited Filing Ordered by JCAR
PP - Peremptory or Court ordered Rules
PR - Proposed Repealer
R - Refusal to meet JCAR objection
RC - Statement of Recommendation
S - Suspension ordered by JCAR
W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)
TITLE PART ACTION CODE PAGE NUMBER PREVIOUS VOLUME ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-685)
89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 255 Agricultural Facilities (P-2571)
8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)
8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285) (P-2598)
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-228) (PP-2160)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 303 Use of a State Bank's Corporate Name in Identification & Communication (P-2889)

CAPITAL DEVELOPMENT BOARD

44 Ill. Adm. Code 910 Procurement Practices (P-1917)
71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 302 Merit & Fitness (P-1639)
80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296) (P-2892)
80 Ill. Adm. Code 2150 Service-Connected Days Benefit Administration (P-10285/88; A-2402)
80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256; R-3411; A-3330)
80 Ill. Adm. Code 2110 Status of Ill. Dependent Care Assistance Plan (P-1) (E-214)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)
89 Ill. Adm. Code 310 Delivery of Youth Services Funded by the Department of Children & Family Services (P-11935/88; O-3412; RC-3414)
89 Ill. Adm. Code 437 Department of Children & Family Services Employee Conflict of Interest (P-13752/88; A-3339)

89 Ill. Adm. Code 357 Purchase of Service (P-13807/88; A-3344)

89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

80 Ill. Adm. Code 250 State Universities Civil Service System (P-1921)

COLLEGES AND UNIVERSITIES, BOARD OF GOVERNORS OF STATE

44 Ill. Adm. Code 530 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2648)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-9271/88; A-2024)

14 Ill. Adm. Code 590 Ill. Large Business Development Program (P-15249/88; A-2028)

14 Ill. Adm. Code 570 Ill. Small Business Development Program (P-20714/87; A-58)

14 Ill. Adm. Code 620 Labor-Management Program (P-14797/88; A-1758)

47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779) (P-1311)

47 Ill. Adm. Code 100 State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program (P-1930)

COMMERCE COMMISSION, ILLINOIS

83 Ill. Adm. Code 435 Electric Utility Forecasting (G.O.215) (PR-3)

83 Ill. Adm. Code 281 Energy Assistance (P-1647)

92 Ill. Adm. Code 1205 Fees & Taxes (P-1665)

92 Ill. Adm. Code 1206 Investigation & Suspension of Rates (P-1671)

83 Ill. Adm. Code 440 Least-Cost Planning for Electric Utilities (P-3162/88; A-296)

92 Ill. Adm. Code 1225 Publication, Posting & Filing of Tariffs, Contracts, Schedules & Related Documents (P-1676)

92 Ill. Adm. Code 1710 Relocation Towing (P-10)

83 Ill. Adm. Code 595 Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (P-16309/88; A-2036)

83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-1686)

COMMUNITY COLLEGE BOARD, ILLINOIS

23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-16313/88; A-1182)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 870 Aquaculture, Transportation, Stocking, Importation &/or Possession of Aquatic Life (P-3213)

17 Ill. Adm. Code 2030 Designation of Restricted Waters in the State of Ill. (P-13820/88; A-20472/88; CC-967) (E-2878)

17 Ill. Adm. Code 730 Dove Hunting (P-2609)

17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-3221) (E-22244/88; O-3462)

17 Ill. Adm. Code 1590 Falconry & the Captive Propagation of Raptors (P-2622)

17 Ill. Adm. Code 930 Field Trials on Non-Department Owned or Managed Lands (P-3262)

17 Ill. Adm. Code 870 Fish Stocking, Importation, &/or Possession of Aquatic Life (PR-3264)

17 Ill. Adm. Code 1560 Forest Fire Protection Districts Act (P-2626)

17 Ill. Adm. Code 510 General Hunting & Trapping on Department-Owned or -Managed Sites (P-3268)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MARCH 17, 1989

VOL. 13, ISSUE #11

CONSERVATION, DEPARTMENT OF (CONT'D)

- 17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-2632) (P-5087/88; A-1203/4/88; O-3468)
- 17 Ill. Adm. Code 220 North Point Marina (P-731)
- 17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-3273)
- 17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-1690)
- 17 Ill. Adm. Code 690 Squirrel Hunting (P-2641)

CORRECTIONS, DEPARTMENT OF

- 2 Ill. Adm. Code 850 Public Information, Rulemaking & Organization (A-1510)
- 20 Ill. Adm. Code 107 Records of Committed Persons (P-979)

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

- 20 Ill. Adm. Code 1520 Operating Procedures for the Administration of Federal Funds (P-1317) (E-1605)

EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 500 Educational Service Centers (P-1730)
- 23 Ill. Adm. Code 275 Pupil Transportation (P-12745/88; A-1532)
- 23 Ill. Adm. Code 120 Pupil Transportation Reimbursement (P-19266/88; O-3416)
- 23 Ill. Adm. Code 230 Summer School for Gifted & Remedial Education (P-12747/88; A-1535)

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

- 23 Ill. Adm. Code 2310 Functions & Planning Program (P-1319)

EMERGENCY SERVICES AND DISASTER AGENCY

- 29 Ill. Adm. Code 430 Emergency & Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance (P-17575/88; A-2040)
- 29 Ill. Adm. Code 430 Telephone Notification of Hazardous Incidents (PR-17585/88; AR-2049)

EMPLOYMENT SECURITY, DEPARTMENT OF

- 56 Ill. Adm. Code 2905 Alien Status (P-2229)
- 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-743)
- 56 Ill. Adm. Code 2920 Disqualifying Income & Reduced Benefits (P-17592/88; A-1773)
- 56 Ill. Adm. Code 2732 Employment (P-1945)
- 56 Ill. Adm. Code 2712 General Applications (P-15257/88; O-22482/88; R-965; A-795)
- 56 Ill. Adm. Code 2960 General Provisions (P-17)
- 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-752)

ENVIRONMENTAL PROTECTION AGENCY

- 35 Ill. Adm. Code 378 Effluent Disinfection Exemptions (P-12753/88; A-1190)
- 35 Ill. Adm. Code 661 General Conditions of Grants for the Financing & Construction of Public Water Supply Facilities (P-1738)
- 35 Ill. Adm. Code 251 Procedures for Collection of Air Pollution Site Fees (E-955)

FARM DEVELOPMENT AUTHORITY, ILLINOIS

- 8 Ill. Adm. Code 1400 Ill. Farm Development Authority (P-5545/88; A-2440)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

- 38 Ill. Adm. Code 190 Ill. Credit Union Act (P-14097/88; O-22489/88; A-966)

FIRE MARSHAL, OFFICE OF THE STATE

- 41 Ill. Adm. Code 100 Fire Prevention & Safety (E-582) (P-1323)
- 41 Ill. Adm. Code 180 Storage, Transportation, Sale & Use of Gasoline & Volatile Oils (P-1754) (E-1875)
- 41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-1756) (E-1886)

CI - 3

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MARCH 17, 1989

VOL. 13, ISSUE #11

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

- 77 Ill. Adm. Code 2510 Data Collection (P-13694/88; A-334)

ILLINOIS, BOARD OF TRUSTEES OF THE UNIVERSITY OF

- 44 Ill. Adm. Code 535 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2766)

INSURANCE, DEPARTMENT OF

- 50 Ill. Adm. Code 301 Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2901)
- 50 Ill. Adm. Code 401 Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2905)
- 50 Ill. Adm. Code 2502 Fees for Various Certificates Under Section 408 (PR-2234)
- 50 Ill. Adm. Code 601 Foreign & Alien Insurer Annual Audited Financial Reports (P-11985/88; A-2051)
- 50 Ill. Adm. Code 919 Improper Claims Practice (P-13535/88; C-17456/88; A-1204)
- 50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-251) (E-586; O-3471)
- 50 Ill. Adm. Code 6301 Pension & Examination Procedure (P-14502/88; A-1780)
- 50 Ill. Adm. Code 754 Rules & Rate Filings (P-2057/88; A-1542)
- 50 Ill. Adm. Code 201 Subordinated Indebtedness (P-2909)

INVESTMENT, ILLINOIS STATE BOARD OF

- 80 Ill. Adm. Code 2700 State (of Ill.) Employees' Deferred Compensation Plan (P-253) (E-629)

LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL

- 80 Ill. Adm. Code 1125 Fair Share Fee Objections (P-16375/88; O-22478/88; R-1905; A-1784)
- 80 Ill. Adm. Code 1100 General Procedures (P-1327)
- 80 Ill. Adm. Code 1105 Hearing Procedures (P-1335)
- 80 Ill. Adm. Code 1110 Representation Procedures (P-1355)
- 80 Ill. Adm. Code 1120 Unfair Labor Practice Proceedings (P-1379)

LABOR RELATIONS BOARD, ILLINOIS STATE/LABOR RELATIONS BOARD, ILLINOIS LOCAL

- 2 Ill. Adm. Code 2500 Public Information, Rulemaking & Organization (A-22210/88; CC-2883)

LOTTERY, DEPARTMENT OF

- 11 Ill. Adm. Code 1770 Lottery (General) (P-10298/88; O-3419)

MILITARY AFFAIRS, DEPARTMENT OF

- 23 Ill. Adm. Code 3300 Loan of Military Artifacts (P-14809/88; O-3440)
- 71 Ill. Adm. Code 1510 Rental of National Guard Armories (P-14813/88; O-3442)

MINES AND MINERALS, DEPARTMENT OF

- 62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-23) (P-756)

NUCLEAR SAFETY, DEPARTMENT OF

- 32 Ill. Adm. Code 401 Accrediting Persons in the Practice of Medical Radiation Technology (P-982)
- 32 Ill. Adm. Code 410 Radiation Inspectors & Inspections (P-13841/88; A-342)
- 32 Ill. Adm. Code 360 Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, & Veterinary Medicine (P-13858/88; A-803)

POLLUTION CONTROL BOARD

- 35 Ill. Adm. Code 243 Air Quality Standards (P-19290/88; W-2536)
- 35 Ill. Adm. Code 211 Definitions & General Provisions (P-19296/88; W-2537)
- 35 Ill. Adm. Code 304 Effluent Standards (P-11669/88; A-851) (P-11397/88; A-2060)
- 35 Ill. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (P-255)
- 35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-15327/88; A-362)

CI - 4

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MARCH 17, 1989

VOL. 13, ISSUE #11

POLLUTION CONTROL BOARD (CONT'D)

- 35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-15347/88; A-382)
- 35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15402/88; A-437)
- 35 Ill. Adm. Code 601 Introduction (P-262)
- 35 Ill. Adm. Code 201 Permits & General Provisions (P-5154/88; O-20221/88; R-1624; A-2066)
- 35 Ill. Adm. Code 310 Pretreatment Programs (P-16384/88; A-2463)
- 35 Ill. Adm. Code 703 RCRA Permit Program (P-15444/88; A-447)
- 35 Ill. Adm. Code 605 Sampling & Monitoring (P-269; C-2539)
- 35 Ill. Adm. Code 307 Sewer Discharge Criteria (P-16396/88; A-1794)
- 35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-15449/88; A-452)
- 35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15455/88; A-458)
- 35 Ill. Adm. Code 704 UIC Permit Program (P-17167/88; A-478)
- 35 Ill. Adm. Code 731 Underground Storage Tanks (P-2650)

PRISONER REVIEW BOARD

- 20 Ill. Adm. Code 1610 Prisoner Review Board (P-4774/88; A-3063)

PROFESSIONAL REGULATION, DEPARTMENT OF

- 68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (E-2519)
- 68 Ill. Adm. Code 1220 Dental Practice Act (P-5867/88; O-3444; RC-3447)
- 68 Ill. Adm. Code 1465 III. Speech-Language Pathology & Audiology Practice Act, The (P-1388) (E-1616)
- 68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (P-274) (P-8571/88; A-483) (E-651; O-3475)
- 68 Ill. Adm. Code 1280 Medical Practice Act of 1987 (PR-8536/88; AR-513)
- 68 Ill. Adm. Code 1360 Podiatry Act, The (P-14963/88; O-3450; RC-3452)
- 68 Ill. Adm. Code 1400 Psychologist Registration Act (P-2913)

PUBLIC AID, DEPARTMENT OF

- 89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-15905/88; A-70) (P-1948) (P-2236)
- 89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-15898/88; A-63) (E-3402)
- 89 Ill. Adm. Code 110 Application Process (P-2931)
- 89 Ill. Adm. Code 111 Assistance Standards (P-15920/88; A-85)
- 89 Ill. Adm. Code 141 Child Support Enforcement (P-1396)
- 89 Ill. Adm. Code 141 Drug Manual (P-15483/88; A-516)
- 89 Ill. Adm. Code 114 General Assistance (P-14996/88; A-89) (P-15924/88; A-89) (P-17621/88; A-1546) (P-1959)
- 89 Ill. Adm. Code 149 III. Competitive Access & Reimbursement Equity (ICARE) Program (P-13917/88; A-554)
- 89 Ill. Adm. Code 120 Medical Assistance Programs (P-15938/88; A-116) (P-17633/88; A-2081) (P-3281)
- 89 Ill. Adm. Code 140 Medical Payment (P-11995/88; A-125; CC-2543) (P-16421/88; O-1259; M-3195; A-3069) (P-17172/88; O-1263; R-2538; A-2475) (P-1420) (P-2937) (P-3295) (P-5958/88; A-3351)
- 89 Ill. Adm. Code 115 Refugee/Entrant/Repatriate Program (P-2702)
- 89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-10627/88; O-20231/88; R-677; A-559)
- 89 Ill. Adm. Code 104 Rules of Practice in Administrative Hearings (P-2958)
- 89 Ill. Adm. Code 103 Support Responsibility of Relatives (P-17667/88; A-2496)

PUBLIC HEALTH, DEPARTMENT OF

- 77 Ill. Adm. Code 855 Asbestos Abatement for Public & Private Schools in Ill. (P-6564/88; A-2768)
- 77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks (P-2249)
- 77 Ill. Adm. Code 750 Food Service Sanitation Code (P-14113/88; A-1819)
- 77 Ill. Adm. Code 490 III. Blood Bank Code (P-2974)
- 77 Ill. Adm. Code 790 III. Formulary for the Drug Product Selection Program, The (P-12991/88; A-856) (P-16425/88; A-856) (P-3015) (E-3108)
- 77 Ill. Adm. Code 380 Residential Rehabilitation Facilities Code (P-987)
- 77 Ill. Adm. Code 760 Retail Food Store Sanitation Code (P-14115/88; A-1830)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MARCH 17, 1989

VOL. 13, ISSUE #11

PUBLIC HEALTH, DEPARTMENT OF (CONT'D)

- 77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, & Cosmetics (PR-7265/88; AR-2517)
- 77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices & Cosmetics (P-7272/88; A-2502)
- 77 Ill. Adm. Code 830 Structural Pest Control Code (P-3325/88; A-2090)
- 77 Ill. Adm. Code 542 Trauma Nurse Specialist Course Code (P-4544/88; A-3086)

RACING BOARD, ILLINOIS

- 11 Ill. Adm. Code 422 Approval of Racing Officials (P-13922/88; A-1558)
- 11 Ill. Adm. Code 208 Charitable Funds (P-13926/88; O-20234/88; M-1250; A-1232)
- 11 Ill. Adm. Code 437 County Fair Regs. (P-1099)
- 11 Ill. Adm. Code 502 Licensing (P-17755/88; A-1562)
- 11 Ill. Adm. Code 1409 Ownership, Partnership & Stable Name (P-17761/88; O-1266; R-1906; A-1841)
- 11 Ill. Adm. Code 417 Pick Six Rules (E-1899) (P-1979)
- 11 Ill. Adm. Code 1308 Racing, Farm, Corporate or Stable Name (P-17766/88; O-1268; R-2167; A-2156)
- 11 Ill. Adm. Code 1410 Trainers & Owners (P-4345; A-1846)

RECORDS COMMISSION, STATE

- 44 Ill. Adm. Code 4400 State Records Commission (P-44)

REGENTS, BOARD OF

- 44 Ill. Adm. Code 525 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2709)
- 44 Ill. Adm. Code 526 Procurement from Minority & Female Owned Business Enterprises (P-2746)

REHABILITATION SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 510 Administrative Reviews & Hearings (PR-3020)
- 89 Ill. Adm. Code 510 Appeals & Hearings (P-3036)
- 89 Ill. Adm. Code 562 Client Financial Participation (P-4685/88; A-2866)
- 89 Ill. Adm. Code 530 Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities (P-3565/88; A-141)
- 89 Ill. Adm. Code 552 Eligibility (P-52) (P-277)
- 89 Ill. Adm. Code 850 Medical Improvement Review Standard for Continuing Disability (P-8910/88; A-22454/88; CC-3196)
- 89 Ill. Adm. Code 587 Medical, Psychological & Related Services (P-2192/88; A-1850)
- 89 Ill. Adm. Code 607 Other Services (P-56) (E-225; O-3478)
- 89 Ill. Adm. Code 700 Service Plan Development (P-10409/88; A-3101)
- 89 Ill. Adm. Code 567 Similar Benefits (P-281)
- 89 Ill. Adm. Code 597 Tools, Equipment, Supplies & Initial Stock (P-2197/88; A-1568)
- 89 Ill. Adm. Code 895 Total Life Planning Program (P-3310)
- 89 Ill. Adm. Code 592 Training Services (P-2092/88; A-1573)

RETIREMENT SYSTEM OF ILLINOIS, STATE EMPLOYEES

- 80 Ill. Adm. Code 1570 Administration & Operation of the State Employees' Retirement System of Ill.-Social Security Unit, The (P-14122/88; O-22492/88; R-1626; A-1577)

REVENUE, DEPARTMENT OF

- 86 Ill. Adm. Code 600 County Supplementary Retailers' Occupation Tax Regs. (P-1448)
- 86 Ill. Adm. Code 610 County Supplementary Service Occupation Tax Regs. (P-1460)
- 86 Ill. Adm. Code 620 County Supplementary Use Tax Regs. (P-1468)
- 86 Ill. Adm. Code 630 County Water Commission Retailers' Occupation Tax Regs. (P-1473)
- 86 Ill. Adm. Code 640 County Water Commission Service Occupation Tax Regs. (P-1485)
- 86 Ill. Adm. Code 650 County Water Commission Use Tax Regs. (P-1493)
- 86 Ill. Adm. Code 100 Income Tax Regs. (P-768) (P-2383)
- 86 Ill. Adm. Code 432 Pull Tabs & Jar Games Act (P-15027/88; A-191)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MARCH 17, 1989

VOL. 13, ISSUE #11

REVENUE, DEPARTMENT OF (CONT'D)

86 Ill. Adm. Code 530 Senior Citizens & Disabled Persons Property Tax Relief & Pharmaceutical Assistance Act (P-11104/88; A-1589)
 86 Ill. Adm. Code 151 Vehicle Use Tax Regs. (P-1498)

SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OR

38 Ill. Adm. Code 400 Ill. Savings & Loan Act of 1985 (P-1985)

SCHOLARSHIP COMMISSION, STATE

23 Ill. Adm. Code 1720 Guaranteed Loan Programs (P-15047/88; A-2872)

SECRETARY OF STATE

92 Ill. Adm. Code 1040 Cancellation, Revocation or Suspension of Licenses or Permits (P-15947/88; A-1593)
 92 Ill. Adm. Code 1010 Certificates of Title, Registration of Vehicles (P-1103) (P-16432/88; A-1598)
 92 Ill. Adm. Code 1003 Collection of Fees (P-20019/88; O-3454; RC-3458)
 92 Ill. Adm. Code 1000 General Rules, Definitions (P-3316)
 23 Ill. Adm. Code 3030 Ill. Library System Act, The (P-12180/88; A-1244)
 92 Ill. Adm. Code 1030 Issuance of Licenses (P-2395) (P-2753) (P-3324)

SOUTHERN ILLINOIS UNIVERSITY, BOARD OF TRUSTEES OF

44 Ill. Adm. Code 540 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2764)

STATE POLICE, DEPARTMENT OF

20 Ill. Adm. Code 1295 Certification & Training of Electronic Criminal Surveillance Officers (P-17064/88; RC-1270; A-1856)

TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 545 Financing the Installation & Maintenance of School Traffic Signals & Commercial-Industrial Traffic Signals on State Highways (P-1111)
 92 Ill. Adm. Code 708 Floodway Construction in Northeastern Ill. (P-1503)
 92 Ill. Adm. Code 448 Official Testing Stations (P-1127)
 92 Ill. Adm. Code 96 Pal-Waukee Municipal Airport Hazard-Zoning (P-15049/88; A-3384)
 92 Ill. Adm. Code 452 Vehicle Inspection Stations Governing School Buses (PR-16447/88; W-2881)
 92 Ill. Adm. Code 451 Vehicle Inspections (P-16536/88; W-2882)
 92 Ill. Adm. Code 534 Vending Machines in Rest Areas (P-15952/88; A-1866) (P-2760)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda

January 9, 1989
 March 1, 1989

Second Notices Received

242, 668, 969, 1275, 1628, 1907, 2208, 2565, 2884, 3203, 3501

PUBLIC HEARINGS ON PROPOSED RULES

FIRE MARSHAL, OFFICE OF THE STATE

41 Ill. Adm. Code 100 Fire Prevention & Safety

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks
 77 Ill. Adm. Code 490 Ill. Blood Bank Code

CI - 7

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MARCH 17, 1989

VOL. 13, ISSUE #11

PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by First Banks, Inc., St. Louis, Missouri, to Acquire the Salem National Bank, Salem, Illinois 2169
 Notice of Acceptance of an Application by First of America Bank Corporation to Acquire Whiteside County Bank 1627
 Notice of Acceptance of an Application by Old National Bancorp to Acquire the First National Bank of Harrisburg 968

LABOR, DEPARTMENT OF

List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project 3201
 List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project 3202

REVENUE, DEPARTMENT OF

Index of Letter Rulings (Fourth Quarter of 1988) (ROT) 2170
 Index of Letter Rulings (Fourth Quarter of 1988) (Income Tax) 3481

REGULATORY AGENDA

AGING, DEPARTMENT ON

89 Ill. Adm. Code 230 Older Americans Act Programs 3197

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

89-1 Rescinding Executive Order 85-2 & Establishing the Ill. Planning Council on Developmental Disabilities 2212

PROCLAMATIONS

89-001 James R. Wolfe's Memorial Award Day 669
 89-002 Chicago Opera Theater Week 670
 89-003 American History Month 671
 89-004 Congratulates Frank R. Adams 672
 89-005 Vocational Education Week 673
 89-006 Volunteer Connection Day 674
 89-007 Cerebral Palsy Month 675
 89-008 Four Chaplains Sunday 676
 89-009 Homemakers Extension Association Week 677
 89-010 Ill. Trail Appreciation Month 678
 89-011 School Social Work Week 1277
 89-012 American Savings & Loan/100th Anniversary 679
 89-013 Center For Children's Services Day 680
 89-014 Child Find Month 681
 89-015 Jaycee Week 682
 89-016 Commissioned Corps of the United States Public Health Service Day 683
 89-017 Ill. Salutes India Month 684
 89-018 Junior Achievement Week 971
 89-019 Kiwanis Week 972
 89-020 Land Surveyors' Month 973
 89-021 Smiles for Little City Days 974
 89-022 Chicago Advertising Woman of the Year Week 975
 89-023 Dr. Martin Luther King Day 976
 89-024 Declares the Counties of Edwards, Wabash, Wayne & White to be Disaster Areas 977
 89-025 ROTC Week 1278

CI - 8

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

VOL. 13, ISSUE #11

MARCH 17, 1989

PROCLAMATIONS (CONT'D)

89-026	Seed Month	1279
89-027	Amateur Athletic Union Physique Day	1280
89-028	Nutrition Month	1281
89-029	American Homeless Awareness Day	1629
89-030	Community Action Day	1630
89-031	Orchid Week	1631
89-032	Sales & Marketing Month	1632
89-033	Poison Prevention Week	1633
89-034	Ukrainian Independence Day	1634
89-035	Free Enterprise Week	1635
89-036	Snowmobile Safety Week	1636
89-037	Women in Sports Day	1637
89-038	Burn Awareness Week	1909
89-039	Earth Day	1910
89-040	Ill. Jaycee Week	1911
89-041	Ill. Lumber & Material Dealers Days	1912
89-042	Consumers Week	1913
89-043	African-American History Month	1914
89-044	Lions of Ill. Eye Bank Day	1915
89-045	Black History Month	2219
89-046	Employ the Older Worker Week	2220
89-047	Future Business Leaders of America-Phi Beta Lambda Month	2221
89-048	Lithuanian Independence Day	2222
89-049	United States Power Squadrons Day	2223
89-050	Cardiac Rehabilitation Week	2224
89-051	Future Farmers of America Week	2225
89-052	Labor-Management Cooperation Week	2226
89-053	STC's International Technical Communication Week	2227
89-054	Engineers Week	2228
89-055	DuPage County Sequicentennial	2568
89-056	Tornado Preparedness Week	2569
89-057	Legislators' Fitness Day	2570
89-058	Rehabilitation Facilities Week	2571
89-059	Recognizes John G. Gilbert	2888
89-060	Grammy Awards Celebration Day	3205
89-061	Listening Awareness Day	3206
89-062	RP Awareness Day	3207
89-063	St. David's Day	3208
89-064	Women's History Month	3209
89-065	Casimir Pulaski Day	3210
89-066	Ill. State Quartet Convention Week	3211
89-067	Youth Art Month	3212
89-068	Viet Nam Veterans Day	3503
89-069	International Demolay Week	3504
89-070	Agriculture Week	3505
89-071	Herman Bryant Day	3506
89-072	Four Seasons Hotel Chicago Opening Day	3507
89-073	City of Belleville Year	3508
89-074	Shamrocks Against Dysphagia Days in Ill.	3509
89-075	Technical Education Week	3510

VOL. 13, THRU ISSUE #10

SECTIONS AFFECTED INDEX

THRU MARCH 10, 1989

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash, (e.g. 1 III, Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/86; A-724)) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 III, Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
re	= reclassified	F	= Failure to Remedy Objections
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

TITLE 2

850.15	n	(A-1510)	255.80	n	(P-2571)
850.20	am	(A-1510)	255.90	n	(P-2571)
850.30	am	(A-1510)	255.100	n	(P-2571)
850.110	am	(A-1510)	255.110	n	(P-2571)
850.120	am	(A-1510)	255.120	n	(P-2571)
850.130	am	(A-1510)	255.130	n	(P-2571)
850.205	n	(A-1510)	255.140	n	(P-2571)
850.210	am	(A-1510)	255.150	n	(P-2571)
850.220	am	(A-1510)	255.160	n	(P-2571)
850.230	am	(A-1510)	255.170	n	(P-2571)
850.240	am	(A-1510)	700.Ap. F	am	(P-2598)
850.Tb. A	am	(A-1510)	700.Ap. I	am	(P-14786/88; A-285)
850.Tb. B	am	(A-1510)	1400.147	am	(P-5545/88; A-2440)
850.Tb. C	am	(A-1510)	1400.149	am	(P-5545/88; A-2440)
850.Tb. D	am	(A-1510)			
850.Tb. E	am	(A-1510)			
850.Tb. G	am	(A-1510)			
850.Tb. H	am	(A-1510)			

TITLE 8 (CONT'D)

208.10	n	(P-13926/88; O-2023/88; R-1250; M-1250; A-1232)
208.20	n	(P-13926/88; O-2023/88; R-1250; A-1232)
208.30	n	(P-13926/88; O-2023/88; R-1250; A-1232)
208.40	n	(P-13926/88; O-2023/88; R-1250; A-1232)
208.100	n	(P-13926/88; O-2023/88; R-1250; A-1232)
208.110	n	(P-13926/88; O-2023/88; R-1250; A-1232)
208.120	n	(P-13926/88; O-2023/88; R-1250; A-1232)
417.30	am	(E-1899) (P-1979)
417.35	n	(E-1899) (P-1979)

TITLE 8

20.1	am	(P-19178/88; W-2166)
125.10	am	(PP-228)
125.260	am	(PP-228)
125.270	am	(PP-228)
125.305	am	(PP-2160)
255.10	n	(P-2571)
255.20	n	(P-2571)
255.30	n	(P-2571)
255.40	n	(P-2571)
255.50	n	(P-2571)
255.60	n	(P-2571)
255.70	n	(P-2571)

TITLE 11 (CONT'D)		
417.100	n	(E-1899; (P-1979)
422.20	n	(P-1392288; A-1558)
437.10	n	(P-1099)
437.10	n	(P-1099)
437.30	n	(P-1099)
437.30	n	(P-1099)
437.40	n	(P-1099)
502.120	am	(P-1775588; A-1562)
502.600	am	(P-1775588; A-1562)
1308.20	am	(P-1775688; O-1268; R-2167; A-2156)
1308.30	n	(P-1776688; O-1268; R-2167; A-2156)
1308.40	n	(P-1776688; O-1268; R-2167; A-2156)
1409.120	am	(P-1776188; O-1266; R-1906; A-1841)
1409.130	am	(P-1776188; O-1266; R-1906; A-1841)
1409.132	r	(P-1776188; A-1841)
1410.10	am	(P-434588; A-1846)
1410.15	r	(P-434588; A-1846)
TITLE 14		
570.30	am	(P-2071487; A-58)
590.10	am	(P-1524988; A-2028)
590.80	n	(P-1524988; A-2028)
590.81	n	(P-1524988; A-2028)
590.90	n	(P-1524988; A-2028)
590.91	n	(P-1524988; A-2028)
590.92	n	(P-1524988; A-2028)
590.93	n	(P-1524988; A-2028)
620.10	am	(P-1479788; A-1758)
620.30	am	(P-1479788; A-1758)
620.40	am	(P-1479788; A-1758)
620.50	am	(P-1479788; A-1758)
620.60	am	(P-1479788; A-1758)
620.70	am	(P-1479788; A-1758)
620.80	am	(P-1479788; A-1758)
620.90	am	(P-1479788; A-1758)
TITLE 17		
220.10	n	(P-731)
220.20	n	(P-731)
220.30	n	(P-731)
220.40	n	(P-731)
220.50	n	(P-731)
220.60	n	(P-731)
220.70	n	(P-731)
220.80	n	(P-731)
220.90	n	(P-731)
570.20	am	(P-2632)
570.30	am	(P-2632)
570.40	am	(P-2632)
690.30	am	(P-2641)
730.20	am	(P-2609)
730.30	am	(P-2609)

TITLE 17 (CONT'D)	
810.30	am (P-1690)
810.40	am (P-1690)
810.70	am (P-1690)
1560.10	n (P-2626)
1560.20	n (P-2626)
1560.30	n (P-2626)
1560.40	n (P-2626)
1560.50	n (P-2626)
1560.60	n (P-2626)
1560.70	n (P-2626)
1560.80	n (P-2626)
1560.90	n (P-2626)
1590.110	am (P-2622)
1590.120	am (P-2622)
2030.60	n (E-2878)

TITLE 20	
107.170	r (P-979)
1295.10	n (P-17064/88; A-1856)
1295.20	n (P-17064/88; A-1856)
1295.30	n (P-17064/88; A-1856)
1295.40	n (P-17064/88; RC-1270; A-1856)
1295.50	n (P-17064/88; RC-1270; A-1856)
1295.60	n (P-17064/88; RC-1270; A-1856)
1295.70	n (P-17064/88; RC-1270; A-1856)
1295.80	n (P-17064/88; A-1856)
1520.10	am (P-1317) (E-1605)
1520.46	n (P-1317) (E-1605)
1520.50	n (P-1317) (E-1605)
1610.70	am (P-4774/88; A-3063)

TITLE 23	
230.10	am (P-12747/88; A-1535)
230.30	am (P-12747/88; A-1535)
230.60	am (P-12747/88; A-1535)
275.90	am (P-12745/88; A-1532)
500.20	am (P-1730)
500.50	am (P-1730)
500.120	am (P-1730)
1501.509	am (P-16313/88; A-1182)
1720.140	r (P-15047/88; A-2872)
1720.Ap. B	r (P-15047/88; A-2872)
2310.80	am (P-1319)
3030.60	r (P-12180/88; A-1244)
3030.105	am (P-12180/88; A-1244)

TITLE 29	
430.10	r (P-17585/88; A-2049)
430.10	n (P-17575/88; A-2040)
430.15	n (P-17575/88; A-2040)
430.20	r (P-17585/88; A-2049)
430.20	n (P-17585/88; A-2040)
430.30	r (P-17585/88; A-2049)
430.30	n (P-17575/88; A-2040)
430.30	n (P-17585/88; A-2049)
430.40	r (P-17585/88; A-2049)
430.40	n (P-17575/88; A-2040)

TITLE 29 (CONT'D)	
430.50	r (P-1758/88; A-2049)
430.50	n (P-1757/88; A-2040)
430.60	r (P-1758/88; A-2049)
430.60	n (P-1757/88; A-2040)
430.70	r (P-1758/88; A-2049)
430.70	n (P-1757/88; A-2040)
430.80	n (P-1757/88; A-2040)
TITLE 32	
360.10	am (P-1385/88; A-803)
360.20	am (P-1385/88; A-803)
360.30	am (P-1385/88; A-803)
360.40	am (P-1385/88; A-803)
360.50	am (P-1385/88; A-803)
360.60	am (P-1385/88; A-803)
360.70	am (P-1385/88; A-803)
360.80	am (P-1385/88; A-803)
360.90	am (P-1385/88; A-803)
360.100	am (P-1385/88; A-803)
360.Ap. A	r (P-1385/88; A-803)
360.Tb. A	r (P-1385/88; A-803)
360.Tb. B	am (P-1385/88; A-803)
360.Tb. C	am (P-1385/88; A-803)
401.170	am (P-982)
410.10	am (P-1384/88; A-342)
410.20	am (P-1384/88; A-342)
410.30	am (P-1384/88; A-342)
410.40	am (P-1384/88; A-342)
410.50	am (P-1384/88; A-342)
410.60	am (P-1384/88; A-342)
410.70	am (P-1384/88; A-342)
410.80	am (P-1384/88; A-342)
410.II. A	n (P-1384/88; A-342)
410.II. B	n (P-1384/88; A-342)
TITLE 35	
201.281	am (P-5154/88; O-2922/88; R-1624; A-2066)
201.401	n (P-5154/88; O-2922/88; R-1624; A-2066)
201.402	n (P-5154/88; O-2922/88; R-1624; A-2066)
201.403	n (P-5154/88; O-2922/88; R-1624; A-2066)
201.404	n (P-5154/88; O-2922/88; R-1624; A-2066)
201.405	n (P-5154/88; O-2922/88; R-1624; A-2066)
201.406	n (P-5154/88; O-2922/88; R-1624; A-2066)
201.407	n (P-5154/88; O-2922/88; R-1624; A-2066)
201.408	n (P-5154/88; O-2922/88; R-1624; A-2066)
211.101	am (P-1929/88; W-2537)
211.102	am (P-1929/88; W-2537)

TITLE 35 (CONT'D)		
243.108	am	(P-19290/88; W-2536)
243.120	am	(P-19290/88; W-2536)
251.103	am	(E-955)
251.201	am	(E-955)
251.202	n	(E-955)
251.203	am	(E-955)
251.208	am	(E-955)
251.210	am	(E-955)
251.212	r	(E-955)
251.215	am	(E-955)
251.301	am	(E-955)
304.220	am	(P-11397/88; A-2060)
304.302	n	(P-11669/88; A-851)
307.1508	am	(P-16396/88; A-1794)
307.1704	am	(P-16396/88; A-1794)
307.2101	am	(P-16396/88; A-1794)
307.2903	am	(P-16396/88; A-1794)
307.3131	am	(P-16396/88; A-1794)
307.3129	am	(P-16396/88; A-1794)
307.3500	am	(P-16396/88; A-1794)
307.3501	am	(P-16396/88; A-1794)
307.3503	am	(P-16396/88; A-1794)
307.3509	am	(P-16396/88; A-1794)
307.3590	n	(P-16396/88; A-1794)
307.4004	am	(P-16396/88; A-1794)
307.8100	am	(P-16396/88; A-1794)
310.107	am	(P-16384/88; A-2463)
310.110	am	(P-16384/88; A-2463)
378.101	n	(P-12753/88; A-1190)
378.102	n	(P-12753/88; A-1190)
378.103	n	(P-12753/88; A-1190)
378.201	n	(P-12753/88; A-1190)
378.202	n	(P-12753/88; A-1190)
378.203	n	(P-12753/88; A-1190)
378.204	n	(P-12753/88; A-1190)
378.301	n	(P-12753/88; A-1190)
378.302	n	(P-12753/88; A-1190)
378.Ap. A	n	(P-12753/88; A-1190)
378.Ap. B	n	(P-12753/88; A-1190)
378.Ap. C	n	(P-12753/88; A-1190)
378.Ap. D	n	(P-12753/88; A-1190)
378.Ap. E	n	(P-12753/88; A-1190)
601.105	am	(P-262)
604.203	am	(P-255)
605.104	am	(P-269; C-2539)
661.302	am	(P-1738)
703.123	am	(P-15444/88; A-447)
704.143	am	(P-17167/88; A-478)
720.110	am	(P-15327/88; A-362)
720.111	am	(P-15327/88; A-362)
721.104	am	(P-15347/88; A-382)
721.105	am	(P-15347/88; A-382)
721.133	am	(P-15347/88; A-382)
721.Ap. H	am	(P-15347/88; A-382)
722.110	am	(P-15449/88; A-452)
722.151	am	(P-15449/88; A-452)

TITLE 35 (CONT'D)			TITLE 38 (CONT'D)			TITLE 44 (CONT'D)		
724.101	am	(P-15455/88; A-458)	400.140	r	(P-1985)	525.350	am	(P-2709)
724.101	am	(P-15455/88; A-458)	400.141	am	(P-1985)	525.400	am	(P-2709)
725.101	am	(P-15402/88; A-437)	400.142	am	(P-1985)	525.410	am	(P-2709)
731.101	r	(P-2650)	400.150	am	(P-1985)	525.500	am	(P-2709)
731.102	r	(P-2650)	400.150	am	(P-1985)	525.510	am	(P-2709)
731.103	r	(P-2650)	400.150	am	(P-1985)	525.520	am	(P-2709)
731.110	n	(P-2650)	400.150	am	(P-1985)	525.530	am	(P-2709)
731.111	n	(P-2650)	400.150	am	(P-1985)	525.540	n	(P-2709)
731.112	n	(P-2650)	400.150	r	(P-1985)	525.550	n	(P-2709)
731.113	n	(P-2650)	400.150	am	(P-1985)	525.560	n	(P-2709)
731.114	n	(P-2650)	400.150	am	(P-1985)	525.570	am	(P-2709)
731.120	n	(P-2650)	400.150	am	(P-1985)	525.580	am	(P-2709)
731.121	n	(P-2650)	400.150	am	(P-1985)	525.590	am	(P-2709)
731.122	n	(P-2650)	400.150	am	(P-1985)	525.600	am	(P-2709)
731.123	n	(P-2650)	400.150	am	(P-1985)	525.610	am	(P-2709)
731.130	n	(P-2650)	400.150	am	(P-1985)	525.620	am	(P-2709)
731.131	n	(P-2650)	400.150	r	(P-1985)	525.630	am	(P-2709)
731.132	n	(P-2650)	400.150	am	(P-1985)	525.640	am	(P-2709)
731.133	n	(P-2650)	400.150	am	(P-1985)	525.650	am	(P-2709)
731.134	n	(P-2650)	400.150	am	(P-1985)	525.660	am	(P-2709)
731.140	n	(P-2650)	400.2010	am	(P-1985)	525.670	am	(P-2709)
731.141	n	(P-2650)	400.2055	am	(P-1985)	525.680	r	(P-2709)
731.142	n	(P-2650)	400.2500	am	(P-1985)	525.690	am	(P-2709)
731.143	n	(P-2650)	400.2510	am	(P-1985)	525.700	am	(P-2709)
731.144	n	(P-2650)	400.2520	am	(P-1985)	525.710	am	(P-2709)
731.145	n	(P-2650)	400.2700	n	(P-1985)	525.720	am	(P-2709)
731.150	n	(P-2650)	400.2710	n	(P-1985)	525.730	am	(P-2709)
731.151	n	(P-2650)	100.110	n	(E-582) (P-1323)	530.5	r	(P-2648)
731.152	n	(P-2650)	170.10	am	(P-1756) (E-1886)	530.10	am	(P-2648)
731.153	n	(P-2650)	170.71	n	(P-1756) (E-1886)	530.20	am	(P-2648)
731.160	n	(P-2650)	170.72	n	(P-1756) (E-1886)	530.30	n	(P-2648)
731.161	n	(P-2650)	170.73	n	(P-1756) (E-1886)	530.60	am	(P-2648)
731.162	n	(P-2650)	170.75	am	(P-1756) (E-1886)	530.70	#	(P-2648)
731.163	n	(P-2650)	170.106	n	(P-1756) (E-1886)	530.70	am	(P-2648)
731.164	n	(P-2650)	170.107	n	(P-1756) (E-1886)	530.100	am	(P-2648)
731.165	n	(P-2650)	170.108	n	(P-1756) (E-1886)	530.110	am	(P-2648)
731.166	n	(P-2650)	180.10	am	(P-1754) (E-1875)	530.200	#	(P-2648)
731.167	n	(P-2650)	180.20	am	(P-1754) (E-1875)	530.300	am	(P-2648)
731.170	n	(P-2650)	180.25	n	(P-1754) (E-1875)	530.310	r	(P-2648)
731.171	n	(P-2650)				530.320	am	(P-2648)
731.172	n	(P-2650)				530.330	am	(P-2648)
731.173	n	(P-2650)				530.340	am	(P-2648)
731.174	n	(P-2650)				530.350	am	(P-2648)
731.175	n	(P-2650)				530.400	am	(P-2648)
731.176	n	(P-2650)				530.410	am	(P-2648)
731.177	n	(P-2650)				530.420	am	(P-2648)
731.178	n	(P-2650)				530.430	am	(P-2648)
731.179	n	(P-2650)				530.440	am	(P-2648)
731.180	n	(P-2650)				530.450	am	(P-2648)
731.181	n	(P-2650)				530.460	am	(P-2648)
731.182	n	(P-2650)				530.470	am	(P-2648)
731.183	n	(P-2650)				530.480	am	(P-2648)
731.184	n	(P-2650)				530.490	am	(P-2648)
731.185	n	(P-2650)				530.500	am	(P-2648)
731.186	n	(P-2650)				530.510	am	(P-2648)
731.187	n	(P-2650)				530.520	am	(P-2648)
731.188	n	(P-2650)				530.530	am	(P-2648)
731.189	n	(P-2650)				530.540	am	(P-2648)
731.190	n	(P-2650)				530.550	am	(P-2648)
731.191	n	(P-2650)				530.560	am	(P-2648)
731.192	n	(P-2650)				530.570	am	(P-2648)
731.193	n	(P-2650)				530.580	am	(P-2648)
731.194	n	(P-2650)				530.590	am	(P-2648)
731.195	n	(P-2650)				530.600	am	(P-2648)
731.196	n	(P-2650)				530.610	am	(P-2648)
731.197	n	(P-2650)				530.620	am	(P-2648)
731.198	n	(P-2650)				530.630	am	(P-2648)
731.199	n	(P-2650)				530.640	am	(P-2648)
731.200	n	(P-2650)				530.650	am	(P-2648)
731.201	n	(P-2650)				530.660	am	(P-2648)

TITLE 35 (CONT'D)			TITLE 38 (CONT'D)			TITLE 44 (CONT'D)		
724.101	am	(P-15455/88; A-458)	400.140	r	(P-1985)	525.350	am	(P-2709)
724.101	am	(P-15455/88; A-458)	400.141	am	(P-1985)	525.400	am	(P-2709)
725.101	am	(P-15402/88; A-437)	400.142	am	(P-1985)	525.410	am	(P-2709)
731.101	r	(P-2650)	400.150	am	(P-1985)	525.500	am	(P-2709)
731.102	r	(P-2650)	400.150	am	(P-1985)	525.510	am	(P-2709)
731.103	r	(P-2650)	400.150	am	(P-1985)	525.520	am	(P-2709)
731.110	n	(P-2650)	400.150	am	(P-1985)	525.530	am	(P-2709)
731.111	n	(P-2650)	400.150	am	(P-1985)	525.540	n	(P-2709)
731.112	n	(P-2650)	400.150	r	(P-1985)	525.550	n	(P-2709)
731.113	n	(P-2650)	400.150	am	(P-1985)	525.560	n	(P-2709)
731.114	n	(P-2650)	400.150	am	(P-1985)	525.570	am	(P-2709)
731.120	n	(P-2650)	400.150	am	(P-1985)	525.580	am	(P-2709)
731.121	n	(P-2650)	400.150	am	(P-1985)	525.590	am	(P-2709)
731.122	n	(P-2650)	400.150	am	(P-1985)	525.600	am	(P-2709)
731.123	n	(P-2650)	400.150	am	(P-1985)	525.610	am	(P-2709)
731.130	n	(P-2650)	400.150	am	(P-1985)	525.620	am	(P-2709)
731.131	n	(P-2650)	400.150	r	(P-1985)	525.630	am	(P-2709)
731.132	n	(P-2650)	400.150	am	(P-1985)	525.640	am	(P-2709)
731.133	n	(P-2650)	400.150	am	(P-1985)	525.650	am	(P-2709)
731.134	n	(P-2650)	400.150	am	(P-1985)	525.660	am	(P-2709)
731.140	n	(P-2650)	400.2010	am	(P-1985)	525.670	am	(P-2709)
731.141	n	(P-2650)	400.2055	am	(P-1985)	525.680	r	(P-2709)
731.142	n	(P-2650)	400.2500	am	(P-1985)	525.690	am	(P-2709)
731.143	n	(P-2650)	400.2510	am	(P-1985)	525.700	am	(P-2709)
731.144	n	(P-2650)	400.2520	am	(P-1985)	525.710	am	(P-2709)
731.145	n	(P-2650)	400.2700	n	(P-1985)	525.720	am	(P-2709)
731.150	n	(P-2650)	400.2710	n	(P-1985)	525.730	am	(P-2709)
731.151	n	(P-2650)	100.110	n	(E-582) (P-1323)	530.5	r	(P-2648)
731.152	n	(P-2650)	170.10	am	(P-1756) (E-1886)	530.10	am	(P-2648)
731.153	n	(P-2650)	170.71	n	(P-1756) (E-1886)	530.20	am	(P-2648)
731.160	n	(P-2650)	170.72	n	(P-1756) (E-1886)	530.30	n	(P-2648)
731.161	n	(P-2650)	170.73	n	(P-1756) (E-1886)	530.60	am	(P-2648)
731.162	n	(P-2650)	170.75	am	(P-1756) (E-1886)	530.70	#	(P-2648)
731.163	n	(P-2650)	170.106	n	(P-1756) (E-1886)	530.70	am	(P-2648)
731.164	n	(P-2650)	170.107	n	(P-1756) (E-1886)	530.100	am	(P-2648)
731.165	n	(P-2650)	170.108	n	(P-1756) (E-1886)	530.110	am	(P-2648)
731.166	n	(P-2650)	180.10	am	(P-1754) (E-1875)	530.200	#	(P-2648)
731.167	n	(P-2650)	180.20	am	(P-1754) (E-1875)	530.300	am	(P-2648)
731.170	n	(P-2650)	180.25	n	(P-1754) (E-1875)	530.310	r	(P-2648)
731.171	n	(P-2650)				530.320	am	(P-2648)
731.172	n	(P-2650)				530.330	am	(P-2648)
731.173	n	(P-2650)				530.340	am	(P-2648)
731.174	n	(P-2650)				530.350	am	(P-2648)
731.175	n	(P-2650)				530.400	am	(P-2648)
731.176	n	(P-2650)				530.410	am	(P-2648)
731.177	n	(P-2650)				530.420	am	(P-2648)
731.178	n	(P-2650)				530.430	am	(P-2648)
731.179	n	(P-2650)				530.440	am	(P-2648)
731.180	n	(P-2650)				530.450	am	(P-2648)
731.181	n	(P-2650)				530.460	am	(P-2648)
731.182	n	(P-2650)				530.470	am	(P-2648)
731.183	n	(P-2650)				530.480	am	(P-2648)
731.184	n	(P-2650)				530.490	am	(P-2648)
731.185	n	(P-2650)				530.500	am	(P-2648)
731.186	n	(P-2650)				530.510	am	(P-2648)
731.187	n	(P-2650)				530.520	am	(P-2648)
731.188	n	(P-2650)				530.530	am	(P-2648)
731.189	n	(P-2650)				530.540	am	(P-2648)
731.190	n	(P-2650)				530.550	am	(P-2648)
731.191	n	(P-2650)				530.560	am	(P-2648)
731.192	n	(P-2650)				530.570	am	(P-2648)
731.193	n	(P-2650)				530.580	am	(P-2648)
731.194	n	(P-2650)				530.590	am	(P-2648)
731.195	n	(P-2650)				530.600	am	(P-2648)
731.196	n	(P-2650)				530.610	am	(P-2648)
731.197	n	(P-2650)				530.620	am	(P-2648)
731.198	n	(P-2650)				530.630	am	(P-2648)
731.199	n	(P-2650)				530.640	am	(P-2648)
731.200	n	(P-2650)				530.650	am	(P-2648)
731.201	n	(P-2650)				530.660	am	(P-2648)

TITLE 35 (CONT'D)			TITLE 38 (CONT'D)			TITLE 44 (CONT'D)		
724.101	am	(P-15455/88; A-458)	400.140	r	(P-1985)	525.350	am	(P-2709)
724.101	am	(P-15455/88; A-458)	400.141	am	(P-1985)	525.400	am	(P-2709)
725.101	am	(P-15402/88; A-437)	400.142	am	(P-1985)	525.410	am	(P-2709)
731.101	r	(P-2650)	400.150	am	(P-1985)	525.500	am	(P-2709)
731.102	r</							

TITLE 44 (CONTD)	
540.500	am (P-2764)
540.510	am (P-2764)
540.520	am (P-2764)
540.530	am (P-2764)
540.540	n (P-2764)
540.600	am (P-2764)
540.610	am (P-2764)
540.620	am (P-2764)
540.630	am (P-2764)
540.640	am (P-2764)
540.650	am (P-2764)
540.660	am (P-2764)
540.670	am (P-2764)
540.700	am (P-2764)
540.710	am (P-2764)
540.720	am (P-2764)
910.130	am (P-1917)
4400.25	n (P-44)
TITLE 47	
100.70	am (P-1930)
100.85	am (P-1930)
100.90	am (P-1930)
100.110	am (P-1930)
100.120	am (P-1930)
120.80	am (P-1311)
120.100	am (P-1311)
120.110	am (P-852/188; A-779)
120.115	n (P-852/188; A-779)
160.80	am (P-9271/88; A-2024)

TITLE 50	am	(P-2909)
201.20	am	(P-2909)
201.30	am	(P-2909)
201.40	am	(P-2909)
201.50	am	(P-2909)
201.60	am	(P-2909)
201.70	am	(P-2901)
201.80	am	(P-2901)
201.90	am	(P-2901)
202.00	am	(P-2901)
202.10	am	(P-2905)
202.20	am	(P-2905)
202.30	am	(P-2905)
202.40	am	(P-2905)
202.50	am	(P-2905)
202.60	n	(P-11985/88; A-2051)
202.70	n	(P-11985/88; A-2051)
202.80	n	(P-11985/88; A-2051)
202.90	n	(P-11985/88; A-2051)
203.00	n	(P-11985/88; A-2051)
203.10	n	(P-11985/88; A-2051)
203.20	n	(P-11985/88; A-2051)
203.30	n	(P-11985/88; A-2051)
203.40	n	(P-11985/88; A-2051)
203.50	n	(P-11985/88; A-2051)
203.60	n	(P-11985/88; A-2051)
203.70	n	(P-11985/88; A-2051)
203.80	n	(P-11985/88; A-2051)
203.90	n	(P-11985/88; A-2051)
204.00	n	(P-11985/88; A-2051)
204.10	n	(P-11985/88; A-2051)
204.20	n	(P-11985/88; A-2051)
204.30	n	(P-11985/88; A-2051)
204.40	n	(P-11985/88; A-2051)
204.50	n	(P-11985/88; A-2051)
204.60	n	(P-11985/88; A-2051)
204.70	n	(P-11985/88; A-2051)
204.80	n	(P-11985/88; A-2051)
204.90	n	(P-11985/88; A-2051)
205.00	n	(P-11985/88; A-2051)
205.10	n	(P-11985/88; A-2051)
205.20	n	(P-11985/88; A-2051)
205.30	n	(P-11985/88; A-2051)
205.40	n	(P-11985/88; A-2051)
205.50	n	(P-11985/88; A-2051)
205.60	n	(P-11985/88; A-2051)
205.70	n	(P-11985/88; A-2051)
205.80	n	(P-11985/88; A-2051)
205.90	n	(P-11985/88; A-2051)
206.00	n	(P-11985/88; A-2051)
206.10	n	(P-11985/88; A-2051)
206.20	n	(P-11985/88; A-2051)
206.30	n	(P-11985/88; A-2051)
206.40	n	(P-11985/88; A-2051)
206.50	n	(P-11985/88; A-2051)
206.60	n	(P-11985/88; A-2051)
206.70	n	(P-11985/88; A-2051)
206.80	n	(P-11985/88; A-2051)
206.90	n	(P-11985/88; A-2051)
207.00	n	(P-11985/88; A-2051)
207.10	n	(P-11985/88; A-2051)
207.20	n	(P-11985/88; A-2051)
207.30	n	(P-11985/88; A-2051)
207.40	n	(P-11985/88; A-2051)
207.50	n	(P-11985/88; A-2051)
207.60	n	(P-11985/88; A-2051)
207.70	n	(P-11985/88; A-2051)
207.80	n	(P-11985/88; A-2051)
207.90	n	(P-11985/88; A-2051)
208.00	n	(P-11985/88; A-2051)
208.10	n	(P-11985/88; A-2051)
208.20	n	(P-11985/88; A-2051)
208.30	n	(P-11985/88; A-2051)
208.40	n	(P-11985/88; A-2051)
208.50	n	(P-11985/88; A-2051)
208.60	n	(P-11985/88; A-2051)
208.70	n	(P-11985/88; A-2051)
208.80	n	(P-11985/88; A-2051)
208.90	n	(P-11985/88; A-2051)
209.00	n	(P-11985/88; A-2051)
209.10	n	(P-11985/88; A-2051)
209.20	n	(P-11985/88; A-2051)
209.30	n	(P-11985/88; A-2051)
209.40	n	(P-11985/88; A-2051)
209.50	n	(P-11985/88; A-2051)
209.60	n	(P-11985/88; A-2051)
209.70	n	(P-11985/88; A-2051)
209.80	n	(P-11985/88; A-2051)
209.90	n	(P-11985/88; A-2051)
210.00	n	(P-11985/88; A-2051)

TITLE 50 (CONTD)		
754.Ex. B	an	(P-2057/88; A-1542)
919.10	an	(P-13535/88; C-17456/88; A-1204)
919.20	an	(P-13535/88; C-17456/88; A-1204)
919.30	an	(P-13535/88; C-17456/88; A-1204)
919.40	an	(P-13535/88; C-17456/88; A-1204)
919.50	an	(P-13535/88; C-17456/88; A-1204)
919.60	an	(P-13535/88; C-17456/88; A-1204)
919.70	an	(P-13535/88; C-17456/88; A-1204)
919.80	an	(P-13535/88; C-17456/88; A-1204)
919.90	an	(P-13535/88; C-17456/88; A-1204)
919.Ex. A	n	(P-13535/88; C-17456/88; A-1204)
2008.10	an	(P-251) (E-586)
2008.20	an	(P-251) (E-586)
2008.30	an	(P-251) (E-586)
2008.40	an	(P-251) (E-586)
2008.50	an	(P-251) (E-586)
2008.60	an	(P-251) (E-586)
2008.70	an	(P-251) (E-586)
2008.71	n	(P-251) (E-586)
2008.80	an	(P-251) (E-586)
2008.81	n	(P-251) (E-586)
2008.82	n	(P-251) (E-586)
2008.90	an	(P-251) (E-586)
2008.Ap. A	an	(P-251) (E-586)
2008.Ap. B	an	(P-251) (E-586)
2008.Ap. C	an	(P-251) (E-586)
2008.Ap. E	an	(P-251) (E-586)
2008.Ap. F	n	(P-251) (E-586)
2008.Ap. G	n	(P-251) (E-586)
2502.10	r	(P-2234)
2502.20	r	(P-2234)
6301.Ex. A	an	(P-14502/88; A-1780)

TITLE 56	am	(P-17)
2090.105	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.201	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.202	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.203	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.205	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.207	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.210	n	(P-15257/88; O-22482/88; R-965; A-795)
2732.210	n	(P-1945)
2765.205	n	(P-732)
2770.105	am	(P-743)
2905.1	am	(P-2229)
2905.15	am	(P-2229)
2905.25	r	(P-2229)
2905.40	r	(P-2229)

TITLE 77 (CONT'D)

790.2340	am	(P-16425/88; A-856)
790.2380	am	(P-16425/88; A-856)
790.2500	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.2540	am	(P-16425/88; A-856)
790.2580	am	(P-16425/88; A-856)
790.2603	n	(P-3015) (E-3108)
790.2605	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.2613	am	(P-16425/88; A-856)
790.2617	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.2618	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.2663	am	(P-3015) (E-3108)
790.2668	am	(P-3015) (E-3108)
790.2672	am	(P-3015) (E-3108)
790.2700	am	(P-3015) (E-3108)
790.2780	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.2800	n	(P-3015) (E-3108)
790.2860	am	(P-16425/88; A-856)
790.2900	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.2904	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.2928	r	(P-16425/88; A-856)
790.2928	n	(P-12991/88; A-856)
790.2932	am	(P-16425/88; A-856)
790.2940	am	(P-3015) (E-3108)
790.3020	am	(P-16425/88; A-856)
790.3023	am	(P-3015) (E-3108)
790.3027	am	(P-16425/88; A-856)
790.3028	am	(P-3015) (E-3108)
790.3054	am	(P-3015) (E-3108)
790.3085	am	(P-16425/88; A-856)
790.3100	am	(P-16425/88; A-856)
790.3300	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.3315	am	(P-3015) (E-3108)
790.3335	am	(P-16425/88; A-856)
790.3340	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.3420	am	(P-12991/88; A-856) (P-3015)
	am	(E-3108)
790.3425	am	(P-16425/88; A-856)
790.3437	am	(P-12991/88; A-856) (P-3015)
	am	(E-3108)
790.3440	n	(P-16425/88; A-856)
790.3475	n	(P-16425/88; A-856)
790.3492	am	(P-3015) (E-3108)
790.3500	am	(P-16425/88; A-856)
790.3540	am	(P-16425/88; A-856)
790.3620	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.3700	am	(P-3015) (E-3108)

TITLE 77 (CONT'D)

790.5640	n	(P-12991/88; A-856)
790.5660	am	(P-3015) (E-3108)
790.5780	am	(P-3015) (E-3108)
790.5792	am	(P-12991/88; P-16425/88; A-856)
790.5795	n	(P-16425/88; A-856)
790.5807	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.5820	am	(P-12991/88; P-16425/88; A-856)
790.5830	am	(P-12991/88; P-16425/88; A-856)
790.5837	n	(P-12991/88; A-856)
790.5840	am	(P-16425/88; A-856)
790.5872	am	(P-16425/88; A-856)
790.5893	am	(P-16425/88; A-856)
790.5900	am	(P-16425/88; A-856)
790.5924	am	(P-12991/88; A-856) (P-3015)
	am	(E-3108)
790.5940	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.5980	am	(P-16425/88; A-856)
790.5992	am	(P-3015) (E-3108)
790.6140	am	(P-16425/88; A-856)
790.6180	am	(P-3015) (E-3108)
790.6260	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.6275	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.6280	am	(P-16425/88; A-856)
790.6284	am	(P-16425/88; A-856)
790.6370	am	(P-12991/88; A-856) (P-3015)
	am	(E-3108)
790.6375	n	(P-16425/88; A-856)
790.6445	am	(P-16425/88; A-856)
790.6450	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.6452	am	(P-16425/88; A-856)
790.6454	n	(P-16425/88; A-856)
790.6456	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.6540	am	(P-16425/88; A-856)
790.6580	am	(P-16425/88; A-856)
790.6621	n	(P-16425/88; A-856)
790.6670	am	(P-16425/88; A-856)
790.6740	am	(P-16425/88; A-856)
790.6780	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.6860	am	(P-12991/88; P-16425/88; A-856)
790.6875	am	(P-12991/88; A-856) (P-3015)
	am	(E-3108)
790.6885	am	(P-3015) (E-3108)
790.6895	n	(P-3015) (E-3108)
790.6946	am	(P-16425/88; A-856)
790.6960	n	(P-12991/88; P-16425/88; A-856)
790.6980	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.7020	am	(P-16425/88; A-856)
790.7140	am	(P-16425/88; A-856)

TITLE 77 (CONT'D)

790.7180	am	(P-16425/88; A-856)
790.7181	n	(P-16425/88; A-856)
790.7223	am	(P-3015) (E-3108)
790.7265	n	(P-16425/88; A-856)
790.7280	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.7288	n	(P-16425/88; A-856)
790.7288	am	(P-3015) (E-3108)
790.7400	am	(P-12991/88; A-856) (P-3015)
	am	(E-3108)
790.7500	am	(P-3015) (E-3108)
790.7540	am	(P-12991/88; P-16425/88; A-856)
	am	(P-16425/88; A-856)
790.7700	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.7820	am	(P-3015) (E-3108)
790.7828	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.8020	am	(P-3015) (E-3108)
790.8140	am	(P-3015) (E-3108)
790.8248	r	(P-3015) (E-3108)
790.8260	am	(P-3015) (E-3108)
790.8378	am	(P-16425/88; A-856)
790.8380	am	(P-16425/88; A-856)
790.8420	am	(P-3015) (E-3108)
790.8580	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.8700	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.8724	am	(P-3015) (E-3108)
790.8740	am	(P-3015) (E-3108)
790.8900	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.8940	am	(P-16425/88; A-856) (P-3015)
	am	(E-3108)
790.9020	am	(P-12991/88; A-856) (P-3015)
	am	(E-3108)
790.9060	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.9084	am	(P-12991/88; A-856) (P-3015)
	am	(E-3108)
790.9100	am	(P-3015) (E-3108)
790.9140	am	(P-12991/88; A-856) (P-3015)
	am	(E-3108)
790.9220	am	(P-3015) (E-3108)
790.9320	am	(P-3015) (E-3108)
790.9380	am	(P-3015) (E-3108)
790.9475	am	(P-3015) (E-3108)
790.9486	am	(P-12991/88; P-16425/88; A-856)
	am	(P-3015) (E-3108)
790.9500	am	(P-12991/88; P-16425/88; A-856)
790.9530	am	(P-12991/88; P-16425/88; A-856)
830.10	am	(P-3325/88; A-2090)
830.20	n	(P-3325/88; A-2090)
830.100	am	(P-3325/88; A-2090)

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
830.110	am (P-3325/88; A-2090)	855.50	am (P-6564/88; A-2768)
830.120	am (P-3325/88; A-2090)	855.55	n (P-6564/88; A-2768)
830.130	am (P-3325/88; A-2090)	855.60	am (P-6564/88; A-2768)
830.140	am (P-3325/88; A-2090)	855.70	am (P-6564/88; A-2768)
830.150	r (P-3325/88; A-2090)	855.80	am (P-6564/88; A-2768)
830.160	r (P-3325/88; A-2090)	855.130	am (P-6564/88; A-2768)
830.170	r (P-3325/88; A-2090)	855.140	am (P-6564/88; A-2768)
830.180	am (P-3325/88; A-2090)	855.180	am (P-6564/88; A-2768)
830.190	n (P-3325/88; A-2090)	855.220	am (P-6564/88; A-2768)
830.200	am (P-3325/88; A-2090)	855.240	am (P-6564/88; A-2768)
830.210	n (P-3325/88; A-2090)	855.260	am (P-6564/88; A-2768)
830.220	n (P-3325/88; A-2090)	855.270	am (P-6564/88; A-2768)
830.230	n (P-3325/88; A-2090)	855.275	n (P-6564/88; A-2768)
830.240	n (P-3325/88; A-2090)	855.280	am (P-6564/88; A-2768)
830.250	am (P-3325/88; A-2090)	855.290	am (P-6564/88; A-2768)
830.260	am (P-3325/88; A-2090)	855.300	am (P-6564/88; A-2768)
830.270	am (P-3325/88; A-2090)	855.330	n (P-6564/88; A-2768)
830.280	r (P-3325/88; A-2090)	855.340	n (P-6564/88; A-2768)
830.290	n (P-3325/88; A-2090)	855.345	n (P-6564/88; A-2768)
830.300	n (P-3325/88; A-2090)	855.350	n (P-6564/88; A-2768)
830.310	n (P-3325/88; A-2090)	855.355	n (P-6564/88; A-2768)
830.315	r (P-3325/88; A-2090)	855.360	n (P-6564/88; A-2768)
830.400	am (P-3325/88; A-2090)	855. Ap. A	am (P-6564/88; A-2768)
830.410	am (P-3325/88; A-2090)	II. B	am (P-6564/88; A-2768)
830.420	r (P-3325/88; A-2090)	855. Ap. B	am (P-6564/88; A-2768)
830.430	am (P-3325/88; A-2090)	II. A	n (P-6564/88; A-2768)
830.440	am (P-3325/88; A-2090)	II. B	n (P-6564/88; A-2768)
830.450	am (P-3325/88; A-2090)	II. C	n (P-6564/88; A-2768)
830.460	am (P-3325/88; A-2090)	II. D	n (P-6564/88; A-2768)
830.500	am (P-3325/88; A-2090)	II. E	n (P-6564/88; A-2768)
830.510	r (P-3325/88; A-2090)	II. F	n (P-6564/88; A-2768)
830.520	am (P-3325/88; A-2090)	II. G	n (P-6564/88; A-2768)
830.530	am (P-3325/88; A-2090)	II. H	n (P-6564/88; A-2768)
830.540	am (P-3325/88; A-2090)	II. I	n (P-6564/88; A-2768)
830.560	r (P-3325/88; A-2090)	855. Ap. C	n (P-6564/88; A-2768)
830.570	r (P-3325/88; A-2090)	II. A	n (P-6564/88; A-2768)
830.600	am (P-3325/88; A-2090)	II. B	n (P-6564/88; A-2768)
830.610	r (P-3325/88; A-2090)	II. C	n (P-6564/88; A-2768)
830.620	am (P-3325/88; A-2090)	II. D	n (P-6564/88; A-2768)
830.630	am (P-3325/88; A-2090)	II. E	n (P-6564/88; A-2768)
830.640	am (P-3325/88; A-2090)	II. F	n (P-6564/88; A-2768)
830.650	am (P-3325/88; A-2090)	2510.50	am (P-6564/88; A-2768)
830.660	r (P-3325/88; A-2090)		(P-13694/88; A-334)
830.670	r (P-3325/88; A-2090)	TITLE 80	
830.700	am (P-3325/88; A-2090)	250.70	am (P-1921)
830.800	n (P-3325/88; A-2090)	302.190	am (P-1639)
830.820	am (P-3325/88; A-2090)	302.200	am (P-1639)
830.830	n (P-3325/88; A-2090)	302.625	am (P-1639)
830.840	n (P-3325/88; A-2090)	310.30	am (P-1296)
830.850	n (P-3325/88; A-2090)	310.230	am (P-1296)
830.860	n (P-3325/88; A-2090)	310.280	am (P-1296)
830.870	n (P-3325/88; A-2090)	310.290	am (P-1296)
830.11.A	n (P-3325/88; A-2090)	310.320	am (P-1296)
830.11.B	n (P-3325/88; A-2090)	310. Ap. A	am (P-20584/88; RC-1254)
855.10	am (P-6564/88; A-2768)	310. Tb. F	am (P-2892)
855.20	am (P-6564/88; A-2768)	Tb. P	am (P-20584/88; RC

TITLE 80 (CONT'D)		TITLE 80 (CONT'D)	
1100.10	am (P-1327)	1570.70	am (P-14122/88; O-22492/88; R-1626; A-1577)
1100.20	am (P-1327)	1570.80	am (P-14122/88; O-22492/88; R-1626; A-1577)
1100.30	am (P-1327)	1570.90	am (P-14122/88; O-22492/88; R-1626; A-1577)
1100.40	am (P-1327)	1570.100	am (P-14122/88; O-22492/88; R-1626; A-1577)
1100.50	am (P-1327)	1570.110	r (P-14122/88; O-22492/88; R-1626; A-1577)
1100.60	am (P-1327)	1570.150	r (P-14122/88; O-22492/88; R-1626; A-1577)
1100.70	am (P-1327)	1570.160	am (P-14122/88; O-22492/88; R-1626; A-1577)
1100.80	am (P-1327)	2110.30	am (P-1) (E-214)
1100.90	n (P-1327)	2110.320	am (P-1) (E-214)
1100.100	n (P-1327)	2110.330	am (P-1) (E-214)
1105.10	n (P-1335)	2110.510	am (P-1) (E-214)
1105.20	am (P-1335)	2110.530	am (P-1) (E-214)
1105.30	am (P-1335)	2150.1	n (P-10285/88; A-2402)
1105.40	am (P-1335)	2150.2	n (P-10285/88; A-2402)
1105.50	am (P-1335)	2150.5	n (P-10285/88; A-2402)
1105.60	am (P-1335)	2650.1	n (P-6871/88; O-1256)
1105.70	am (P-1335)	2650.5	n (P-6871/88; O-1256)
1105.80	am (P-1335)	2650.10	n (P-6871/88; O-1256)
1105.90	am (P-1335)	2650.15	n (P-6871/88; O-1256)
1110.00	am (P-1355)	2650.20	n (P-6871/88; O-1256)
1110.10	am (P-1355)	2650.25	n (P-6871/88; O-1256)
1110.20	am (P-1355)	2650.30	n (P-6871/88; O-1256)
1110.30	am (P-1355)	2700.200	am (P-253) (E-629)
1110.40	am (P-1355)	2700.440	am (P-253) (E-629)
1110.50	am (P-1355)	2700.620	am (P-253) (E-629)
1110.60	am (P-1355)	2700.630	am (P-253) (E-629)
1110.70	r (P-1355)	2700.650	am (P-253) (E-629)
1110.80	n (P-1355)	2700.700	am (P-253) (E-629)
1110.90	am (P-1355)	2700.710	am (P-253) (E-629)
1120.00	am (P-1379)	2700.720	am (P-253) (E-629)
1120.10	am (P-1379)	2700.730	am (P-253) (E-629)
1120.20	am (P-1379)	2700.735	n (P-253) (E-629)
1120.30	am (P-1379)	2700.740	am (P-253) (E-629)
1120.40	am (P-1379)	2700.750	am (P-253) (E-629)
1120.50	am (P-1379)	2700.820	am (P-253) (E-629)
1120.60	n (P-1379)	2700.920	am (P-253) (E-629)
1120.70	am (P-1379)	2700.Ap. A	am (P-253) (E-629)
1120.80	am (P-1379)	Ex. E	am (P-253) (E-629)
1120.90	am (P-1379)	Ex. F	am (P-253) (E-629)
1125.00	am (P-16375/88; A-1784)	TITLE 83	
1125.10	am (P-16375/88; A-1784)	281.30	am (P-1647)
1125.20	am (P-16375/88; A-1784)	281.90	am (P-1647)
1125.30	am (P-16375/88; A-1784)	281.100	am (P-1647)
1125.40	am (P-16375/88; A-1784)	281.Ex. D	am (P-1647)
1125.50	am (P-16375/88; A-1784)	281.Ex. E	am (P-1647)
1125.60	am (P-16375/88; A-1784)	435.10	r (P-3)
1125.70	am (P-16375/88; A-1784)	435.20	r (P-3)
1125.80	am (P-16375/88; A-1784)	435.30	r (P-3)
1125.90	r (P-16375/88; A-1784)	TITLE 84	
1125.100	n (P-16375/88; A-1784)	281.100	am (P-1647)
1570.40	am (P-14122/88; O-22492/88; R-1626; A-1577)	281.Ex. D	am (P-1647)
1570.60	r (P-14122/88; O-22492/88; R-1626; A-1577)	281.Ex. E	am (P-1647)
		435.10	r (P-3)
		435.20	r (P-3)
		435.30	r (P-3)

TITLE 83 (CONT'D)

435.40	r	(P-3)
435.50	r	(P-3)
435.60	r	(P-3)
440.10	n	(P-3162/88; A-296)
440.100	n	(P-3162/88; A-296)
440.200	n	(P-3162/88; A-296)
440.210	n	(P-3162/88; A-296)
440.220	n	(P-3162/88; A-296)
440.240	n	(P-3162/88; A-296)
440.300	n	(P-3162/88; A-296)
440.310	n	(P-3162/88; A-296)
440.400	n	(P-3162/88; A-296)
440.410	n	(P-3162/88; A-296)
440.420	n	(P-3162/88; A-296)
440.430	n	(P-3162/88; A-296)
440.500	n	(P-3162/88; A-296)
440.510	n	(P-3162/88; A-296)
440.520	n	(P-3162/88; A-296)
440.600	n	(P-3162/88; A-296)
440.610	n	(P-3162/88; A-296)
440.620	n	(P-3162/88; A-296)
440.640	n	(P-3162/88; A-296)
440.650	n	(P-3162/88; A-296)
440.660	n	(P-3162/88; A-296)
440.700	n	(P-3162/88; A-296)
440.800	n	(P-3162/88; A-296)
440.810	n	(P-3162/88; A-296)
440.900	n	(P-3162/88; A-296)
440.910	n	(P-3162/88; A-296)
505.10	am	(P-1686)
595.120	am	(P-16309/88; A-2036)

TITLE 86

100.3700	am	(P-2383)
100.5706	am	(P-768)
151.101	n	(P-1498)
151.105	n	(P-1498)
151.110	n	(P-1498)
151.115	n	(P-1498)
432.100	n	(P-1502/78; A-191)
432.110	n	(P-1502/78; A-191)
432.120	n	(P-1502/78; A-191)
432.130	n	(P-1502/78; A-191)
432.140	n	(P-1502/78; A-191)
432.150	n	(P-1502/78; A-191)
432.160	n	(P-1502/78; A-191)
432.170	n	(P-1502/78; A-191)
432.180	n	(P-1502/78; A-191)
432.190	n	(P-1502/78; A-191)
432.200	n	(P-1502/78; A-191)
530.165	am	(P-1104/88; A-1589)
600.101	n	(P-1448)
600.105	n	(P-1448)
600.110	n	(P-1448)
600.115	n	(P-1448)
600.120	n	(P-1448)

TITLE 89

103.20	am	(P-17667/88; A-2496)
104.202	am	(P-2958)
104.208	am	(P-2958)
104.210	am	(P-2958)
104.212	am	(P-2958)
104.221	am	(P-2958)
104.230	am	(P-2958)
104.231	am	(P-2958)
104.235	am	(P-2958)
104.243	am	(P-2958)
104.244	am	(P-2958)
104.247	am	(P-2958)
104.257	n	(P-2958)
104.260	am	(P-2958)
104.270	am	(P-2958)
104.274	am	(P-2958)
104.280	am	(P-2958)

TITLE 89 (CONT'D)

104.285	am	(P-2958)
104.290	am	(P-2958)
110.10	am	(P-2951)
111.101	am	(P-15920/88; A-85)
112.40	am	(P-1948)
112.98	am	(P-2236)
112.252	am	(P-15905/88; A-70)
112.253	am	(P-15905/88; A-70)
112.254	am	(P-15905/88; A-70)
113.142	am	(P-15898/88; A-63)
114.127	am	(P-14996/88; A-89) (P-1959)
114.128	am	(P-17621/88; A-1546)
114.351	am	(P-15924/88; A-89)
114.352	am	(P-15924/88; A-89)
114.353	am	(P-15924/88; A-89)
115.10	am	(P-2702)
115.30	am	(P-2702)
120.40	am	(P-17633/88; A-2081)
120.382	am	(P-15938/88; A-116)
140.16	am	(P-2937)
140.17	am	(P-2937)
140.100	am	(P-16421/88; O-1259; M-3195; A-3069)
140.400	am	(P-17172/88; A-2475)
140.441	am	(P-17172/88; A-2475)
140.443	am	(P-17172/88; A-2475)
140.445	am	(P-17172/88; O-1263; R-2538; A-2475)
140.447	am	(P-17172/88; A-2475)
140.512	am	(P-11095/88; A-125)
140.526	am	(P-1420)
141.400	am	(P-15483/88; A-516)
141.480	am	(P-15483/88; A-516)
141.560	am	(P-15483/88; A-516)
141.800	am	(P-15483/88; A-516)
141.1160	am	(P-15483/88; A-516)
141.1240	am	(P-15483/88; A-516)
141.1280	am	(P-15483/88; A-516)
141.1480	am	(P-15483/88; A-516)
141.1520	am	(P-15483/88; A-516)
141.1680	am	(P-15483/88; A-516)
141.1760	am	(P-15483/88; A-516)
141.2280	am	(P-15483/88; A-516)
141.2360	am	(P-15483/88; A-516)
141.2400	am	(P-15483/88; A-516)
141.2760	am	(P-15483/88; A-516)
141.2960	am	(P-15483/88; A-516)
141.3440	am	(P-15483/88; A-516)
141.3480	am	(P-15483/88; A-516)
141.3760	am	(P-15483/88; A-516)
141.3800	am	(P-15483/88; A-516)
141.3840	am	(P-15483/88; A-516)
141.4000	am	(P-15483/88; A-516)
141.4040	am	(P-15483/88; A-516)
141.4160	am	(P-15483/88; A-516)
141.4440	am	(P-15483/88; A-516)

TITLE 89 (CONT'D)

141.4520	am	(P-15483/88; A-516)
141.4720	am	(P-15483/88; A-516)
141.4760	am	(P-15483/88; A-516)
147.75	am	(P-10627/88; A-559)
147.100	am	(P-10627/88; A-559)
147.7b. A	am	(P-10627/88; O-20231/88; R-667; A-559)
147.7b. B	am	(P-10627/88; O-20231/88 R-667; A-559)
149.105	am	(P-13917/88; A-554)
160.5	n	(P-1396)
160.10	am	(P-1396)
160.100	n	(P-1396)
160.110	n	(P-1396)
160.120	n	(P-1396)
160.130	n	(P-1396)
160.140	n	(P-1396)
160.150	n	(P-1396)
160.160	n	(P-1396)
230.360	am	(P-14777/88; A-2015)
230.362	am	(P-14777/88; A-2015)
230.365	am	(P-14777/88; A-2015)
230.510	n	(P-12137/88; A-3054)
230.520	n	(P-12137/88; A-3054)
230.530	n	(P-12137/88; A-3054)
230.540	n	(P-12137/88; A-3054)
230.550	n	(P-12137/88; A-3054)
230.560	n	(P-12137/88; A-3054)
230.570	n	(P-12137/88; A-3054)
230.580	n	(P-12137/88; A-3054)
240.1400	n	(P-685)
240.1410	am	(P-685)
240.1420	am	(P-685)
240.1430	n	(P-685)
240.1440	n	(P-685)
240.1450	n	(P-685)
240.1700	n	(P-685)
240.1705	n	(P-685)
240.1710	n	(P-685)
240.1715	n	(P-685)
240.1718	n	(P-685)
240.1720	n	(P-685)
240.1722	n	(P-685)
240.1725	n	(P-685)
240.1730	n	(P-685)
240.1735	n	(P-685)
240.1737	n	(P-685)
240.1738	n	(P-685)
240.1739	n	(P-685)
240.1960	n	(P-685)
300.20	am	(P-11953/88; A-2419)
300.30	am	(P-11953/88; A-2419)
300.90	am	(P-11953/88; A-2419)
300.100	am	(P-11953/88; A-2419)
300.110	am	(P-11953/88; O-22472/88; R-2535; A-2419)

TITLE 89 (CONT'D)

300.130 am (P-11953/88; A-2419)
300.140 am (P-11953/88; A-2419)
300.160 am (P-11953/88; A-2419)
431.5 am (P-11922/88; O-22457/88; R-2532; A-2407)

431.6 am (P-11922/88; A-2407)
431.7 am (P-11922/88; A-2407)
431.11 n (P-11922/88; O-22457/88; R-2532; A-2407)

431.12 # (P-11922/88; A-2407)

510.10 n (P-3036)

510.10 r (P-3020)

510.20 n (P-3036)

510.20 r (P-3020)

510.30 n (P-3036)

510.30 r (P-3020)

510.40 n (P-3036)

510.40 r (P-3020)

510.50 n (P-3036)

510.50 r (P-3020)

510.60 n (P-3036)

510.60 r (P-3020)

510.70 n (P-3036)

510.70 r (P-3020)

510.80 n (P-3036)

510.90 n (P-3036)

510.100 n (P-3036)

510.110 n (P-3036)

510.120 r (P-3020)

510.130 r (P-3020)

510.140 r (P-3020)

510.210 r (P-3020)

510.220 r (P-3020)

510.230 r (P-3020)

510.240 r (P-3020)

510.250 r (P-3020)

510.260 r (P-3020)

510.270 r (P-3020)

510.280 r (P-3020)

510.290 r (P-3020)

510.300 r (P-3020)

510.310 r (P-3020)

510.320 r (P-3020)

510.410 r (P-3020)

510.420 r (P-3020)

530.5 n (P-3565/88; A-141)

530.10 am (P-3565/88; A-141)

530.20 r (P-3565/88; A-141)

530.100 r (P-3565/88; A-141)

530.105 r (P-3565/88; A-141)

530.110 am (P-3565/88; A-141)

530.120 r (P-3565/88; A-141)

530.130 am (P-3565/88; A-141)

530.140 am (P-3565/88; A-141)

TITLE 89 (CONT'D)

530.240 n (P-3565/88; A-141)
530.260 n (P-3565/88; A-141)
552.40 am (P-277)
552.100 am (P-52)

562.30 am (P-4685/88; A-2866)
567.10 am (P-281)
587.50 am (P-2192/88; A-1850)
587.110 am (P-2192/88; A-1850)

587.130 n (P-2192/88; A-1850)

587.500 am (P-2192/88; A-1850)

592.45 n (P-2092/88; A-1573)

597.20 am (P-2197/88; A-1568)

597.150 n (P-2197/88; A-1568)

607.60 am (P-56) (E-225)

700.200 am (P-10409/88; A-3101)

700.300 am (P-10409/88; A-3101)

TITLE 92

448, Ap. A am (P-1127)

Ex. A am (P-1127)

451.10 n (P-16536/88; W-2882)

451.20 n (P-16536/88; W-2882)

451.30 n (P-16536/88; W-2882)

451.40 n (P-16536/88; W-2882)

451.50 n (P-16536/88; W-2882)

451.60 n (P-16536/88; W-2882)

451.70 n (P-16536/88; W-2882)

451.80 n (P-16536/88; W-2882)

451.90 n (P-16536/88; W-2882)

451.100 n (P-16536/88; W-2882)

451.110 n (P-16536/88; W-2882)

451.120 n (P-16536/88; W-2882)

451.130 n (P-16536/88; W-2882)

451, Ap. A n (P-16536/88; W-2882)

451, Ap. B n (P-16536/88; W-2882)

451, Ap. C n (P-16536/88; W-2882)

451, Ap. D n (P-16536/88; W-2882)

451, Ap. E n (P-16536/88; W-2882)

451, Ap. F n (P-16536/88; W-2882)

451, Ap. G n (P-16536/88; W-2882)

451, ILA n (P-16536/88; W-2882)

451, ILB n (P-16536/88; W-2882)

452.10 r (P-16447/88; W-2881)

452.20 r (P-16447/88; W-2881)

452.30 r (P-16447/88; W-2881)

452.10 r (P-16447/88; W-2881)

452.40 r (P-16447/88; W-2881)

452.50 r (P-16447/88; W-2881)

452.60 r (P-16447/88; W-2881)

452.70 r (P-16447/88; W-2881)

452.80 r (P-16447/88; W-2881)

452.90 r (P-16447/88; W-2881)

452.100 r (P-16447/88; W-2881)

452.110 r (P-16447/88; W-2881)

452.120 r (P-16447/88; W-2881)

452.130 r (P-16447/88; W-2881)

TITLE 92 (CONT'D)

452.140 r (P-16447/88; W-2881)
452.150 r (P-16447/88; W-2881)
452.160 r (P-16447/88; W-2881)
452.170 r (P-16447/88; W-2881)

452, Tb. A r (P-16447/88; W-2881)
452, Tb. B r (P-16447/88; W-2881)
452, Tb. C r (P-16447/88; W-2881)
452, Tb. D r (P-16447/88; W-2881)

452, Tb. E r (P-16447/88; W-2881)

452, Ex. A r (P-16447/88; W-2881)

534.20 am (P-2760)

534.210 am (P-15952/88; A-1866)

545.100 n (P-1111)

545.200 n (P-1111)

545.300 n (P-1111)

545.400 n (P-1111)

708.80 am (P-1503)

708.90 am (P-1503)

708.180 am (P-1503)

1010.240 am (P-1103)

1010.440 n (P-16432/88; A-1598)

1030.85 am (P-2395)

1030.88 am (P-2753)

1040.66 n (P-15947/88; A-1593)

1205.10 am (P-1665)

1206.20 am (P-1671)

1225.45 am (P-1676)

1710.160 am (P-10)

This part of the Sections Affected Index lists only those Sections on which rulemaking is occurring in this issue of the Illinois Register. For previous action on these Sections in this volume of the Register, please refer to the first part of this index which begins on page SAI-1.

TITLE 11	
1770.10	n (P-10298/88; O-3419)
1770.20	n (P-10298/88; O-3419)
1770.30	n (P-10298/88; O-3419)
1770.40	n (P-10298/88; O-3419)
1770.50	n (P-10298/88; O-3419)
1770.60	n (P-10298/88; O-3419)
1770.70	n (P-10298/88; O-3419)
1770.80	n (P-10298/88; O-3419)
1770.90	n (P-10298/88; O-3419)
1770.100	n (P-10298/88; O-3419)
1770.110	n (P-10298/88; O-3419)
1770.120	n (P-10298/88; O-3419)
1770.130	n (P-10298/88; O-3419)
1770.140	n (P-10298/88; O-3419)
1770.150	n (P-10298/88; O-3419)
1770.160	n (P-10298/88; O-3419)
1770.170	n (P-10298/88; O-3419)
1770.180	n (P-10298/88; O-3419)
1770.190	n (P-10298/88; O-3419)
1770.200	n (P-10298/88; O-3419)
TITLE 12	
510.10	am (P-3268)
550.30	am (P-3273)
570.40	am (A-1203/88; O-3468)
590.10	am (P-3221) (E-2224/88; O-3462)
590.30	am (P-3221)
590.40	am (P-3221)
590.50	am (P-3221)
590.60	am (P-3221)
590.Ex. A	am (P-3264)
870.10	r (P-3213)
870.15	r (P-3264)
870.20	r (P-3264)
870.30	n (P-3213)
870.40	n (P-3213)
870.50	n (P-3213)
870.60	n (P-3213)
870.70	n (P-3213)
930.45	am (P-3262)
TITLE 23	
120.130	n (P-19266/88; O-3416)
3300.10	n (P-14809/88; O-3440)
3300.20	n (P-14809/88; O-3440)
3300.30	n (P-14809/88; O-3440)
3300.40	n (P-14809/88; O-3440)
3300.50	n (P-14809/88; O-3440)
3300.60	n (P-14809/88; O-3440)
3300.70	n (P-14809/88; O-3440)
TITLE 24	
113.253	am (E-3402)
113.260	am (E-3402)
120.70	am (P-3281)
120.72	n (P-3281)
120.74	n (P-3281)
120.76	n (P-3281)
TITLE 25	
2650.1	n (R-3411; A-3330)
2650.5	n (R-3411; A-3330)
2650.10	n (R-3411; A-3330)
2650.15	n (R-3411; A-3330)
2650.20	n (R-3411; A-3330)
2650.25	n (R-3411; A-3330)
2650.30	n (R-3411; A-3330)
TITLE 26	
113.253	am (E-3402)
113.260	am (E-3402)
120.70	am (P-3281)
120.72	n (P-3281)
120.74	n (P-3281)
120.76	n (P-3281)
TITLE 27	
120.382	am (P-3281)
140.21	n (P-3295)
140.350	am (A-3351)
140.362	am (A-3351)
140.363	am (A-3351)
140.364	r (A-3351)
140.364	r (A-3351)
140.367	am (A-3351)
140.369	am (A-3351)
140.370	am (A-3351)
140.372	am (A-3351)
140.373	r (A-3351)
140.376	r (A-3351)
310.12	am (P-11935/88; O-3412; RC-3414)
357.2	am (A-3344)
357.3	am (A-3344)
357.11	am (A-3344)
437.4	am (A-3339)
437.8	# (A-3339)
437.8	n (A-3339)
437.9	# (A-3339)
437.9	am (A-3339)
607.60	am (E-225; O-3478)
895.10	n (P-3310)
895.20	n (P-3310)
895.30	n (P-3310)
895.40	n (P-3310)
895.50	n (P-3310)
895.60	n (P-3310)
895.70	n (P-3310)
TITLE 28	
96.10	n (A-3384)
96.20	n (A-3384)
96.30	n (A-3384)
96.40	n (A-3384)
96.50	n (A-3384)
96.60	n (A-3384)
96.70	n (A-3384)
96.80	n (A-3384)
96.90	n (A-3384)
96.100	n (A-3384)
96.110	n (A-3384)
96.120	n (A-3384)
96.130	n (A-3384)
96.140	n (A-3384)
96.Ex. A	n (A-3384)
1000.10	am (P-3316)
1000.20	am (P-3316)
1000.50	am (P-3316)
1000.60	am (P-3316)
1000.70	n (P-3316)
1000.80	am (P-3316)
1000.120	am (P-3316)
1003.40	am (P-20019/88; O-3454; RC-3458)
1030.94	am (P-3324)

ILLINOIS REGISTER ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF
CHANGE OF ADDRESS

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 per set

____ 1977-1978 (147 fiche) ____ 1979 (151 fiche) ____ 1980 (200 fiche) ____ 1981 (164 fiche)
____ 1982 (156 fiche) ____ 1983 (143 fiche) ____ 1984 (294 fiche) ____ 1985 (223 fiche)
____ 1986 (317 fiche) ____ 1987 (279 fiche)

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 each

____ 1981 ____ 1982 ____ 1983 ____ 1984 ____ 1985 ____ 1986 ____ 1987

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 each

____ 1984 ____ 1985 ____ 1986 ____ 1987

SINGLE ISSUES OF THE ILLINOIS REGISTER (current year only) @\$10.00 each

(Volume Number)

(Issue Number)

(Issue Date)

ALL CHANGES OF ADDRESS MUST BE IN WRITING
(PLEASE ATTACH PRESENT MAILING LABEL OR INDICATE OLD ADDRESS AS WELL
AS NEW ADDRESS)

SUBSCRIPTION TO THE ILLINOIS REGISTER ____ NEW ____ RENEWAL
@\$200.00 annually

NAME OF FIRM OR INDIVIDUAL (PLEASE TYPE OR PRINT)

ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NUMBER

TOTAL AMOUNT ENCLOSED (ALL FEES ARE NON-REFUNDABLE)

MAIL PAYMENT, IN THE FORM OF A CHECK OR MONEY ORDER ONLY- MADE
PAYABLE TO SECRETARY OF STATE, TO THE ADDRESS BELOW:

JIM EDGAR
SECRETARY OF STATE
Address:
Administrative Code Division
201 West Monroe St.
Springfield, IL 62756
(217) 782-9786

ORDER FORM

Illinois Administrative Code and Supplements

Please send me the following:

Amount

Illinois Administrative Code (1985 edition)

of copies

_____	<u>Complete Sets</u> (9 volumes) of the <i>Illinois Administrative Code</i> at \$210.00 per set	_____
_____	<u>Volume 1</u> (includes Titles 1- General Provisions; 2 - Governmental Organization; 3 - Legislature; 5 - Courts; 8 - Agriculture and Animals; 11 - Alcohol, Horse Racing, and Lottery; and 14 - Commerce) at \$25.00 per copy	_____
_____	<u>Volume 2</u> (includes Titles 17 - Conservation; 20 - Corrections, Criminal Justice and Law Enforcement; 23 - Education and Cultural Resources; 26 - Elections; 29 - Emergency Services, Disasters, and Civil Defense; and 32 - Energy) at \$25.00 per copy	_____
_____	<u>Volume 3</u> (includes Titles 35 - Environmental Protection; 38 - Financial Institutions; and 41 - Fire Protection) at \$25.00 per copy	_____
_____	<u>Volume 4</u> (includes Titles 44 - Government Contracts, Procurement, and Property Management; 47 - Housing and Community Development; 50 - Insurance; 53 - Intergovernmental Relations; 56 - Labor and Employment; 59 - Mental Health; and 62 - Mining) at \$25.00 per copy	_____
_____	<u>Volume 5</u> (includes Titles 68 - Professions and Occupations; 71 - Public Buildings, Facilities, and Real Property; 74 - Public Finance; 77 - Public Health (Parts 100 through 705)) at \$25.00 per copy	_____
_____	<u>Volume 6</u> (includes Titles 77 - Public Health (Parts 720 through 2085); and 80 - Public Officials and Employees) at \$25.00 per copy	_____
_____	<u>Volume 7</u> (includes Titles 83 - Public Utilities; 86 - Revenue; and 89 - Social Services (Parts 101 through 150)) at \$25.00 per copy	_____
_____	<u>Volume 8</u> (includes Titles 89 - Social Services (Parts 210 through 1000); and 92 - Transportation (Parts 14 through 401)) at \$25.00 per copy	_____
_____	<u>Volume 9</u> (includes Titles 92 - Transportation (Parts 426 through 2520); and 95 - Veterans and Military Affairs) at \$25.00 per copy	_____

1986 Supplement to the Code

of copies

_____	<u>Complete set(s)</u> (2 volumes) of the 1986 Supplement at \$55.00 per set (out of print)	_____
_____	<u>Volume 1</u> of the Supplement (includes Titles 1, 2, 8, 11, 14, 17, 20, 23, 26, 32, 35, 38, 41, 44, 47, 50 and 56) at \$33.00 per copy	_____
_____	<u>Volume 2</u> of the Supplement (includes Titles 59, 62, 68, 71, 74, 77, 80, 83, 86, 89, 92, and 95) at \$33.00 per copy (out of print)	_____

1987 Supplement to the Code

of copies

_____	<u>Complete set(s)</u> (2 volumes) of the 1987 Supplement at \$55.00 per set	_____
-------	--	-------

Total Due

Name: _____

Firm/Company: _____

Address: _____

Name and telephone number of person placing the order:

Name: _____

Telephone: _____

